



Immigration Act 2014

2014 CHAPTER 22

PART 4

MARRIAGE AND CIVIL PARTNERSHIP

CHAPTER 3

OTHER PROVISIONS

VALID FROM 01/03/2015

Persons not relevant nationals etc: marriage on superintendent registrar's certificates

VALID FROM 02/03/2015

57 Solemnization of marriage according to rites of Church of England

- (1) The Marriage Act 1949 is amended in accordance with this section.
- (2) In section 5 (methods of authorising marriages)—
 - (a) at the beginning insert—

“(1)”;
 - (b) in the words after paragraph (d), for “except that paragraph (a)” substitute—

“(2) Subsection (1)(a)”;
 - (c) at the end insert—

“(3) In a case where one or both of the persons whose marriage is to be solemnized is not a relevant national—

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- (a) subsection (1)(a) shall not apply unless the banns are published in accordance with section 14 (whether or not the banns are also published otherwise);
 - (b) subsection (1)(c) shall not apply.”
- (3) In section 8 (notice to clergy before publication of banns)—
- (a) at the beginning insert—
 - “(1”;
 - (b) for “delivered to him a notice” substitute “delivered to him—
 - (a) a notice”;
 - (c) at the end insert “, and
 - (b) specified evidence that both of the persons are relevant nationals.
- (2) In this section “specified evidence” means evidence that is in accordance with regulations made under section 28G.”
- (4) In section 16 (provisions as to common licences), before subsection (2) insert—
- “(1C) A common licence shall not be granted unless the persons to be married deliver to the person granting the licence specified evidence that both of the persons are relevant nationals.
- (1D) For that purpose “specified evidence” means evidence that is in accordance with regulations made under section 28G.”

58 Requirement as to giving of notice of marriage or civil partnership

- (1) Section 19 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (procedure for marriage in England and Wales) is amended in accordance with subsections (2) and (3).
- (2) For subsection (1) substitute—
- “(1) This section applies to a marriage that is to be solemnised on the authority of certificates issued by a superintendent registrar under Part 3 of the Marriage Act 1949 (the “1949 Act”) unless each party to the marriage falls within exception A or exception B.
- (1A) A party to the marriage falls within exception A if the person is a relevant national.
- (1B) A party to the marriage falls within exception B if—
- (a) the person is exempt from immigration control, and
 - (b) the notice of marriage is accompanied by the specified evidence required by section 28C(2) of the 1949 Act that the person is exempt from immigration control.”
- (3) For subsection (4) substitute—
- “(4) In this section—

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- (a) a reference to a person being a relevant national, or being exempt from immigration control, has the same meaning as in section 49 of the Immigration Act 2014;
 - (b) “notice of marriage” means a notice of marriage given under section 27 of the 1949 Act.”.
- (4) Schedule 23 to the Civil Partnership Act 2004 (immigration control and formation of civil partnerships) is amended in accordance with subsections (5) to (9).
- (5) Before paragraph 1 insert—
 - “A1
 - (1) Part 2 of this Schedule applies to a civil partnership that is to be formed in England and Wales by signing a civil partnership schedule unless each party to the civil partnership falls within exception A or exception B.
 - (2) A party to the civil partnership falls within exception A if the person is a relevant national.
 - (3) A party to the civil partnership falls within exception B if—
 - (a) the person is exempt from immigration control, and
 - (b) the notice of civil partnership is accompanied by the specified evidence required by section 9A(2) that the person is exempt from immigration control.
 - (4) In this paragraph, a reference to a person being a relevant national, or being exempt from immigration control, has the same meaning as in section 49 of the Immigration Act 2014.”.
- (6) For paragraph 1(1) substitute—
 - “1
 - (1A) Part 3 of this Schedule applies if—
 - (a) two people wish to register in Scotland as civil partners of each other, and
 - (b) one of them is subject to immigration control.
 - (1B) Part 4 of this Schedule applies if—
 - (a) two people wish to register in Northern Ireland as civil partners of each other, and
 - (b) one of them is subject to immigration control.”.
- (7) For paragraph 3 substitute—
 - “3
 - This Part of this Schedule applies as mentioned in paragraph A1.”.
- (8) For paragraph 8 substitute—
 - “8
 - This Part of this Schedule applies as mentioned in paragraph 1(1A).”.
- (9) For paragraph 12 substitute—

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“12 This Part of this Schedule applies as mentioned in paragraph 1(1B).”.

Information

59 Information

Schedule 6 (information) has effect.

Miscellaneous

VALID FROM 20/10/2014

60 Regulations about evidence

- (1) The Secretary of State may make regulations about evidence relevant to the determination of any of the following questions for a purpose of this Part—
 - (a) whether a person is a relevant national;
 - (b) whether a person has the appropriate immigration status;
 - (c) whether a person has a relevant visa.
- (2) The regulations may, in particular, make provision about—
 - (a) the kind of evidence which is to be supplied;
 - (b) the form in which evidence is to be supplied;
 - (c) the manner in which evidence is to be supplied;
 - (d) the period within which evidence is to be supplied;
 - (e) the supply of further evidence;
 - (f) the sufficiency of evidence supplied;
 - (g) the consequences of failing to supply sufficient evidence in accordance with the regulations (including provision to secure that, in such a case, a particular decision is made or is to be treated as having been made);
 - (h) the retention or copying of evidence supplied.
- (3) The Secretary of State must consult the Registrar General before making regulations under this section.
- (4) In this section “evidence” includes a photograph or other image.

VALID FROM 20/10/2014

61 Notices

- (1) The Secretary of State may, by regulations, make provision about the giving of—
 - (a) notices under any provision of this Part;
 - (b) notices relating to the referral of proposed marriages under section 28H of the Marriage Act 1949 which are given under any provision of that Act;

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- (c) notices relating to the referral of proposed civil partnerships under section 12A of the Civil Partnership Act 2004 which are given under any provision of that Act.
- (2) The regulations may, in particular, make provision that a notice given in accordance with the regulations is to be presumed to have been received by the person to whom it is given.
- (3) The Secretary of State must consult the Registrar General before making regulations under this section.

62 Interpretation of this Part

- (1) These expressions have the meanings given—
 - “exempt person” has the meaning given in section 49;
 - “registrar” means a registrar of births, deaths and marriages;
 - “Registrar General” means the Registrar General for England and Wales;
 - “registration authority” has the same meaning as in the Civil Partnership Act 2004 (see section 28 of that Act);
 - “relevant national” means—
 - (a) a British citizen,
 - (b) a national of an EEA State other than the United Kingdom, or
 - (c) a national of Switzerland;
 - “relevant statutory period” means—
 - (a) in relation to a proposed marriage, the period—
 - (i) beginning the day after notice of the proposed marriage is entered in the marriage book in accordance with Part 3 of the Marriage Act 1949, or is entered in an approved electronic form by virtue of section 27(4A) of that Act, and
 - (ii) ending at the end of the period of 28 days beginning with that day;
 - (b) in relation to a proposed civil partnership, the period—
 - (i) beginning the day after notice of the proposed civil partnership is recorded in the register in accordance with Chapter 1 of Part 2 of the Civil Partnership Act 2004, and
 - (ii) ending at the end of the period of 28 days beginning with that day;
 - “section 48 notice” means a notice given under section 48(7) or (8);
 - “superintendent registrar” means a superintendent registrar of births, deaths and marriages.
- (2) A reference to a person being a party to a proposed marriage or civil partnership is a reference to a person who would be a party to the marriage or civil partnership if it took place as proposed.
- (3) A reference to a proposed marriage or civil partnership being a sham is a reference to a marriage or civil partnership which would (if it took place as proposed) be a sham marriage or sham civil partnership (within the meaning of the Immigration and Asylum Act 1999 — see section 24 or 24A of that Act).
- (4) For provision about the interpretation of the following expressions, see section 49—

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- (a) the appropriate immigration status;
 - (b) a relevant visa.
- (5) This section, and the provision mentioned in subsection (4), apply for the purposes of this Part.

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