



Immigration Act 2014

2014 CHAPTER 22

PART 4

MARRIAGE AND CIVIL PARTNERSHIP

CHAPTER 1

REFERRAL AND INVESTIGATION OF PROPOSED MARRIAGES AND CIVIL PARTNERSHIPS

Investigation

48 Decision whether to investigate

- (1) This section applies if—
 - (a) a superintendent registrar refers a proposed marriage to the Secretary of State under section 28H of the Marriage Act 1949, or
 - (b) a registration authority refers a proposed civil partnership to the Secretary of State under section 12A of the Civil Partnership Act 2004.
- (2) The Secretary of State must decide whether to investigate whether the proposed marriage or civil partnership is a sham.
- (3) The Secretary of State may not decide to conduct such an investigation unless conditions A and B are met.
- (4) Condition A is met if the Secretary of State is satisfied that—
 - (a) only one of the parties to the proposed marriage or civil partnership is an exempt person, or
 - (b) neither of the parties are exempt persons.
- (5) Condition B is met if the Secretary of State has reasonable grounds for suspecting that the proposed marriage or civil partnership is a sham.

Status: This is the original version (as it was originally enacted).

- (6) In making the decision whether to investigate, regard must be had to any guidance published by the Secretary of State for this purpose.
- (7) In the case of a proposed marriage, the Secretary of State must give notice of the decision made under this section to—
 - (a) both of the parties to the proposed marriage, and
 - (b) the superintendent registrar who referred the proposed marriage to the Secretary of State.
- (8) In the case of a proposed civil partnership, the Secretary of State must give notice of the decision made under this section to—
 - (a) both of the parties to the proposed civil partnership,
 - (b) the registration authority who referred the proposed civil partnership to the Secretary of State, and
 - (c) if different, the registration authority responsible for issuing the civil partnership schedule under section 14(1) of the Civil Partnership Act 2004 in relation to the proposed civil partnership.
- (9) The Secretary of State must make the decision, and give the notice, required by this section within the relevant statutory period.