
STATUTORY INSTRUMENTS

2005 No. 15

IMMIGRATION

The Immigration (Procedure for Marriage) Regulations 2005

Made - - - - *10th January 2005*
Laid before Parliament *11th January 2005*
Coming into force - - *1st February 2005*

Whereas the Secretary of State has consulted with the Registrar General, the Registrar General for Scotland and the Registrar General for Northern Ireland in accordance with sections 20(4), 22(2) and 24(2) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004⁽¹⁾:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 19(2)(a) and (3)(c), 21(2)(a) and (3)(c), 23(2)(a) and (3)(c) and 25 of that Act, having regard to the meanings of “prescribed” in sections 22(2) and 24(2), hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Immigration (Procedure for Marriage) Regulations 2005 and shall come into force on 1st February 2005.
2. In these Regulations, “the 2004 Act” means the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.

Specified registration districts in England and Wales

3. The registration districts in England and Wales listed in Schedule 1 are specified for the purposes of section 19(2)(a) of the 2004 Act.

Prescribed registration districts in Scotland

4. Every registration district in Scotland is prescribed for the purposes of section 21(2)(a) of the 2004 Act.

Prescribed registrars in Northern Ireland

5. The registrar of every register office in Northern Ireland is prescribed for the purposes of section 23(2)(a) of the 2004 Act.

(1) 2004 c. 19.

Specified classes of person

6.—(1) A person who is settled in the United Kingdom is hereby specified for the purpose of sections 19(3)(c), 21(3)(c) and 23(3)(c) of the 2004 Act.

(2) In this regulation, “settled in the United Kingdom” has the meaning given in paragraph 6 of the immigration rules (which are the rules laid before Parliament under section 3(2) of the Immigration Act 1971(2)).

Application for permission

7.—(1) A person seeking the permission of the Secretary of State to marry in the United Kingdom under section 19(3)(b), 21(3)(b) or 23(3)(b) of the 2004 Act shall—

- (a) make an application in writing; and
- (b) pay a fee on the submission of the application in accordance with regulation 8.

(2) The information set out in Schedule 2 is to be contained in or provided with the application.

8.—(1) The fee to be paid in connection with the application is £135.

(2) The fee is to be paid to the Immigration and Nationality Directorate of the Home Office—

- (a) by a cheque or postal order crossed and made payable to “Home Office Certificate of Approval”; or
- (b) by means of any debit card or credit card which that Directorate accepts.

Home Office
10th January 2005

Des Browne
Minister of State

SCHEDULE 1

Regulation 3

SPECIFIED REGISTRATION DISTRICTS IN ENGLAND AND WALES

Aberconwy
Barking and Dagenham
Barnet
Birmingham
Blackburn with Darwen
Brent
Brighton and Hove
Bristol
Bury St Edmunds
Cambridge
Camden
Cardiff
Cardiganshire North
Carlisle
Colchester
Coventry
Crawley
Croydon
Dacorum
Ealing
Enfield
Exeter
Gloucester
Greenwich
Hackney
Hammersmith and Fulham
Hampshire North
Haringey
Harrow
Havering
Hillingdon
Hounslow
Hull
Islington
Kendal
Kensington and Chelsea
Kent

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Kingston upon Thames
Lambeth
Leeds
Leicester
Lewisham
Lincolnshire
Liverpool
Luton
Manchester
Merton
Middlesbrough
Mid Powys
Milton Keynes
Newcastle upon Tyne
Newham
Northampton
North Surrey
Norwich
Nottingham
Oxfordshire
Pembrokeshire
Peterborough
Plymouth
Reading
Redbridge
Sheffield
Shrewsbury
Slough
Southampton
Southwark
Stoke on Trent
Swansea
Swindon
Tower Hamlets
Truro
Waltham Forest
Wandsworth
Westminster
Wrexham

SCHEDULE 2

Regulation 7

INFORMATION TO BE CONTAINED IN OR PROVIDED WITH AN APPLICATION FOR PERMISSION TO MARRY IN THE UNITED KINGDOM

(a) Information to be provided in respect of the applicant

- Name
- Date of birth
- Name at birth (if different)
- Nationality
- Full postal address
- Daytime telephone number
- Passport or travel document number
- Home Office reference number
- Current immigration status
- Date on which current leave to enter or remain in the United Kingdom was granted
- Date on which that leave expires
- Whether he has previously been married, and if so, information showing that he is now free to marry
- Two passport-sized photographs
- Passport or travel document

(b) Information to be provided in respect of the other party to the intended marriage

- Name
- Date of birth
- Name at birth (if different)
- Nationality
- Full postal address
- Daytime telephone number
- Passport or travel document number
- Whether he is subject to immigration control, and if so:
 - Home Office reference number
 - Current immigration status
 - Date on which current leave to enter or remain in the United Kingdom was granted
 - Date on which that leave expires
- Whether he has previously been married, and if so, information showing that he is now free to marry
- Two passport-sized photographs
- Passport or travel document

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EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 19 to 25 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 provide for additional procedures where a marriage is to be solemnised in the United Kingdom and a party to the marriage is subject to immigration control.

Section 19(2)(a) provides that where a marriage is to be solemnised in England and Wales, the notices under section 27 of the Marriage Act 1949 must be given to the superintendent registrar of a registration district which is specified for this purpose in regulations made by the Secretary of State. Similar provision is made in respect of a marriage to be solemnised in Scotland (by section 21(2), notice under section 3 of the Marriage (Scotland) Act 1977 must be submitted to the district registrar of a prescribed registration district) or Northern Ireland (by section 23(2), the marriage notices must be given to a prescribed registrar).

In addition, by sections 19(3), 21(3) and 23(3), the registrar to whom notice is given may not enter notice of the marriage into the marriage book unless satisfied that the party subject to immigration control either (a) has an entry clearance granted for the purpose of enabling him to marry in the United Kingdom, (b) has the written permission of the Secretary of State to marry in the United Kingdom, or (c) falls within a class specified in regulations made by the Secretary of State. Section 25 enables the Secretary of State by regulations to make provision in relation to applications for permission to marry in the United Kingdom.

These Regulations make provision in relation to these additional procedures.

By regulation 3, the registration districts in England and Wales listed in Schedule 1 are specified for the purposes of section 19(2)(a). By regulation 4, every registration district in Scotland is prescribed for the purposes of section 21(2), and by regulation 5, the registrar of every register office in Northern Ireland is prescribed for the purposes of section 23(2).

By regulation 6, a person who is settled in the United Kingdom (as defined in paragraph 6 of the Immigration Rules) is specified for the purposes of sections 19(3)(c), 21(3)(c) and 23(3)(c).

Regulations 7 and 8 make provision in relation to applications for the written permission of the Secretary of State to marry in the United Kingdom. An application must be made in writing and contain the information set out in Schedule 2, and must be accompanied by a fee of £135.