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STATUTORY INSTRUMENTS

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**2015 No. 122**

**The Proposed Marriages and Civil Partnerships (Meaning of Exempt Persons and Notice) Regulations 2015**

**PART 3**

Notices

**Notices given by the Secretary of State to a party**

**5.—(1)** This regulation applies to a notice required to be given by the Secretary of State to a party under—

- (a) Part 4 of the 2014 Act,
  - (b) the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015(1),
  - (c) section 31(5EB) of the 1949 Act(2) (application to reduce waiting period), or
  - (d) section 12(5) of the 2004 Act(3) (application to shorten waiting period).
- (2) A notice to which this regulation applies may be—
- (a) given by hand to the party or the party’s representative,
  - (b) sent by fax to the party or the party’s representative,
  - (c) sent by postal service in which delivery or receipt is recorded (“recorded delivery”) to the party’s usual address (or, if the party’s usual address is not in the United Kingdom, the party’s UK contact address),
  - (d) sent by ordinary first or second class postal service (“ordinary post”) to the party’s usual address (or, if the party’s usual address is not in the United Kingdom, the party’s UK contact address),
  - (e) sent by recorded delivery to the party’s representative,
  - (f) sent by ordinary post to the party’s representative,
  - (g) sent by email to the party or the party’s representative,
  - (h) sent by document exchange to the party’s or the party’s representative’s document exchange number or address,
  - (i) sent by courier to the party’s usual address (or, if the party’s usual address is not in the United Kingdom, the party’s UK contact address),
  - (j) sent by courier to the party’s representative.

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(1) [S.I. 2015/397](#).

(2) Subsections (5EA) to (5EE) were inserted by paragraph 10 of Schedule 4 to the Immigration Act 2014 (c. 22).

(3) Subsections (5) to (8) were inserted by paragraph 23(3) of Schedule 4 to the Immigration Act 2014.

(3) But a notice may not be given under sub-paragraph (b), (g) or (h) of paragraph (2) unless a fax number, or (as the case may be) email address or document exchange number or address, has been provided by the party or the party's representative for that purpose.

(4) Where—

- (a) both parties to a proposed marriage or civil partnership have the same usual address (or if that usual address is not in the United Kingdom, the same UK contact address) or the same representative, and
- (b) the Secretary of State is required to give notice to both parties at the same time under a provision mentioned in paragraph (1),

the notices may be included in the same envelope addressed to both parties and sent to that address or that representative in accordance with sub-paragraphs (c) to (f) or (h) to (j) of paragraph (2).

(5) In sub-paragraphs (c), (d) and (i) of paragraph (2) and in paragraph (4), a reference to a party's—

- (a) “usual address” is a reference to that party's usual address notified in accordance with—
  - (i) section 27E(7) or 28C(6) or regulations made under section 28D of the 1949 Act(4), or
  - (ii) section 8A(7) or 9A(6) or regulations made under section 9B of the 2004 Act(5);
- (b) “UK contact address” is a reference to that party's UK contact address notified in accordance with—
  - (i) section 27E(7) or 28C(6) or regulations made under section 28D of the 1949 Act, or
  - (ii) section 8A(7) or 9A(6) or regulations made under section 9B of the 2004 Act.

(6) In this regulation a reference to a party's “representative” is a reference to a representative authorised by the party to accept notice given in accordance with this regulation on the party's behalf.

### **Notices given by the Secretary of State to superintendent registrars and registration authorities**

**6.—(1)** This regulation applies to a notice required to be given by the Secretary of State to a superintendent registrar under—

- (a) Part 4 of the 2014 Act,
- (b) section 31(5EB) of the 1949 Act, or
- (c) paragraph 2 of Schedule 3A to the 1949 Act(6) (referred marriages: no certificate to be issued until decision about investigation).

(2) This regulation also applies to a notice required to be given by the Secretary of State to a registration authority under—

- (a) Part 4 of the 2014 Act,
- (b) section 12(5) of the 2004 Act, or
- (c) paragraph 2 of Schedule 3A to the 2004 Act(7) (referred civil partnerships: no civil partnership schedule to be issued until decision about investigation).

(3) A notice to which this regulation applies may be—

- (a) given by hand,

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(4) Section 27E was inserted by paragraph 4, and sections 28C and 28D by paragraph 7, of Schedule 4 to the Immigration Act 2014 (c. 22).

(5) Section 8A was inserted by paragraph 20, and sections 9A and 9B by paragraph 21, of Schedule 4 to the Immigration Act 2014.

(6) Schedule 3A was inserted by paragraph 9 of Schedule 4 to the Immigration Act 2014.

(7) Schedule 3A was inserted by paragraph 25 of Schedule 4 to the Immigration Act 2014.

- (b) sent by email to an email address notified for that purpose,
- (c) otherwise transmitted electronically in an agreed form,
- (d) sent by postal service in which delivery or receipt is recorded to an address notified for that purpose (“the notified address”),
- (e) sent by ordinary first or second class postal service to the notified address,
- (f) sent by courier to the notified address.

(4) In paragraph (3)—

“agreed” means agreed between the superintendent registrar or (as the case may be) the registration authority and the Secretary of State,

“notified” means notified to the Secretary of State by the superintendent registrar or (as the case may be) the registration authority.

### **Presumptions about receipt of notice**

7.—(1) Where a notice is given in accordance with regulation 5 or 6, it is presumed to have been received by the person to whom it is given (unless the contrary is proved)—

- (a) where the notice is sent by postal service in which delivery or receipt is recorded, on the second day after it was sent by postal service;
- (b) where the notice is sent by ordinary first or second class postal service, in the ordinary course of post;
- (c) where the notice is sent by document exchange, on the next working day after the day on which it was sent;
- (d) where the notice is given by hand or sent by fax, email or courier, on the day it was given or (as the case may be) sent; and
- (e) where the notice is transmitted electronically under paragraph (3)(c) of regulation 6, on the day after the day on which it was transmitted.

(2) For the purposes of paragraph (1)(a) and (b) the day on which a notice is presumed to have been received is to be calculated—

- (a) excluding the day on which the notice is posted; and
- (b) excluding any day which is not a working day.

(3) In this regulation “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(8) in the part of the United Kingdom to which the notice is sent.