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STATUTORY INSTRUMENTS

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**2015 No. 123**

**The Referral of Proposed Marriages and  
Civil Partnerships Regulations 2015**

**PART 2**

**Evidence**

**Photographs**

- 4.—(1) This regulation applies where a photograph must be provided by a party under—
- (a) in the case of a proposed marriage, section 27E(7) or 28C(6)(a) of the 1949 Act<sup>(1)</sup>,
  - (b) in the case of a proposed civil partnership, section 8A(7) or 9A(6)(a) of the 2004 Act<sup>(2)</sup>.
- (2) The photograph must be a United Kingdom passport style and size photograph which—
- (a) clearly shows the face of the party, who must—
    - (i) have a neutral expression, and
    - (ii) not be wearing anything which covers his or her head or hair (other than for religious or medical reasons),
  - (b) shows only the party and no other person or object,
  - (c) is unmarked, unaltered and without tears or creases, and
  - (d) was taken no more than one year before the date on which the notice of marriage or (as the case may be) proposed civil partnership is given.

**Particular immigration status**

5. Schedule 1 has effect to specify evidence of the particular immigration status of a party for the purposes of section 28C(2) of the 1949 Act and section 9A(2) of the 2004 Act.

**Relevant visa**

6.—(1) Paragraph (2) specifies evidence of the holding of a relevant visa by a party for the purposes of section 28C(3) of the 1949 Act and section 9A(3) of the 2004 Act.

(2) The evidence specified for the purposes mentioned in paragraph (1) is the party's passport endorsed to show, or the party's biometric immigration document showing, that he or she has been given one of the following kinds of visa or other authorisation (which remains in force) in respect of the party's proposed marriage or civil partnership to the other party—

- (a) entry clearance or leave to enter as a visitor under the immigration rules for the purpose of marriage or civil partnership,

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(1) Section 28C was inserted by paragraphs 1 and 7 of Schedule 4 to the Immigration Act 2014.

(2) Section 9A was inserted by paragraphs 18 and 21 of Schedule 4 to the Immigration Act 2014.

- (b) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner under Appendix FM to the immigration rules,
  - (c) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner under Appendix Armed Forces to the immigration rules,
  - (d) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner outside the provisions of the immigration rules.
- (3) In this regulation—
- “entry clearance” has the same meaning as in section 33(1) of the 1971 Act<sup>(3)</sup>,
  - “immigration rules” means the rules laid down under section 3(2) of the 1971 Act,
  - “leave to enter” or “leave to remain” means leave to enter or remain in the United Kingdom given in accordance with section 3 of the 1971 Act<sup>(4)</sup>.

### **Usual address**

7. Schedule 2 has effect to specify evidence of a party’s usual address for the purposes of section 28C(4) and (6)(b) of the 1949 Act and section 9A(4) and (6)(b) of the 2004 Act.

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(3) The definition of “entry clearance” was amended by paragraph 2 of Schedule 4 to the British Nationality Act 1981 (c. 61) and paragraph 5 of the Schedule to the Immigration Act 1988 (c. 14).

(4) Relevant amendments made to section 3 are as follows: subsection (1) was amended by paragraphs 2 and 4 of Schedule 4 to the British Nationality Act 1981, paragraph 1(1) of Schedule 2 to the Asylum and Immigration Act 1996 (c. 49), paragraphs 43 and 44(2) of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33), sections 16 and 58 of, and the Schedule to, the UK Borders Act 2007 (c. 30), section 50(1) of the Borders, Citizenship and Immigration Act 2009 (c. 11); and subsection (3) was amended by paragraph 1 of the Schedule to the Immigration Act 1988.