

SCHEDULE 1

Regulation 5

Evidence of particular immigration status

**Permanent residence**

<sup>F1</sup>1. ....

**Textual Amendments**

**F1** Sch. 1 para. 1 omitted (1.7.2021) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **41(2)**

**Exempt from immigration control**

2.—(1) Subject to paragraph (2), where a party is exempt from immigration control <sup>M1</sup> under a provision listed in the left hand column of the table, the notice of marriage or (as the case may be) proposed civil partnership must be accompanied by one of the types of evidence listed in the corresponding right hand column—

**Table**

<i>Exempt from immigration control by virtue of...</i>	<i>...notice must be accompanied by...</i>
The right of abode under section 2(1)(b) of the 1971 Act <sup>M2</sup>	The party's United Kingdom passport describing him or her as a British subject with the right of abode in the United Kingdom.  The party's certificate of entitlement.
Section 8(3) of the 1971 Act <sup>M3</sup> (members of diplomatic missions and their families)	The party's passport containing a valid exempt status vignette.  The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.  A letter of accreditation from [ <sup>F2</sup> the Foreign, Commonwealth and Development Office] confirming the party's exempt status.  The party's valid diplomatic identity card provided by [ <sup>F2</sup> the Foreign, Commonwealth and Development Office].
Section 8(4) of the 1971 Act <sup>M4</sup> (members of HM forces, members of Commonwealth forces undergoing training and members of visiting forces)	The party's valid HM forces identity card.  The party's passport containing a valid exempt status vignette.  The party's passport containing a valid endorsement of the party's exempt status given

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by the Secretary of State or an immigration officer.

The party's valid identity card issued by a sending State and showing the party's date of birth, rank and number (if any), service (land, sea or air) and photograph.

The party's current individual movement order issued by the sending State or the North Atlantic Treaty Organization certifying the party's status as a member of a force and the movement ordered.

The Immigration (Exemption from Control) Order 1972  
M5

The party's passport containing a valid exempt status vignette.

The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.

The party's valid diplomatic identity card provided by [F2the Foreign, Commonwealth and Development Office].

A letter of accreditation from [F2the Foreign, Commonwealth and Development Office] confirming the party's exempt status.

Section 20 of the State Immunity Act 1978  
M6

The party's passport containing a valid exempt status vignette.

The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.

A letter of accreditation from [F2the Foreign, Commonwealth and Development Office] confirming the party's exempt status.

Where the party is a sovereign or other head of State, the party's passport.

(2) Instead of the evidence mentioned in paragraph (1) the notice may be accompanied by a letter from the Secretary of State confirming that the party is exempt from immigration control for the purposes of section 49 of the 2014 Act.

(3) In this paragraph—

“certificate of entitlement” has the same meaning as in section 33 of the 1971 Act <sup>M7</sup>,

“force” and “sending State”, in relation to evidence that must be provided by a party who is exempt from immigration control by virtue of section 8(4) of the 1971 Act, have the same meaning as in the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces <sup>M8</sup>, done in London on 19th June 1951.

### Textual Amendments

- F2** Words in Sch. 1 para. 2(1) substituted (30.9.2020) by [The Transfer of Functions \(Secretary of State for Foreign, Commonwealth and Development Affairs\) Order 2020 \(S.I. 2020/942\)](#), art. 1(2), **Sch. para. 21**

### Marginal Citations

- M1** Regulations made under section 49 of the [Immigration Act 2014 \(S.I. 2015/122\)](#) set out who is exempt from immigration control for the purposes of the referral and investigation scheme.
- M2** [1971 c. 77](#); section 2 was substituted by section 39(2) of the [British Nationality Act 1981 \(c. 61\)](#) and subsection (2) was subsequently amended by section 3(3) of the [Immigration Act 2014 \(c. 22\)](#).
- M3** Section 8(3) was amended by paragraph 2 of Schedule 4 to the [British Nationality Act 1981](#) and section 4 of the [Immigration Act 1988 \(c. 14\)](#).
- M4** Section 8(4) was amended by paragraphs 2 and 5 of Schedule 4 to the [British Nationality Act 1981](#) and the [Statute Law Repeals Act 1995 \(c. 44\)](#).
- M5** [S.I. 1972/1613](#) as amended by [S.I. 1975/617](#), [S.I. 1977/693](#), [S.I. 1982/1649](#), [S.I. 1985/1809](#), [S.I. 1997/1402](#), [S.I. 1997/2207](#) and [S.I. 2004/3171](#).
- M6** [1978 c. 33](#).
- M7** The definition of “certificate of entitlement” was substituted by section 10(5)(b) of the [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#).
- M8** [Cmd. 9363](#).

### Settled

3. Where a party is settled in the United Kingdom (within the meaning of section 33(2A) of the 1971 Act<sup>M9</sup>), the notice must be accompanied by one of the following—

- (a) the party's passport (whether or not it is still valid) containing a valid endorsement with photograph to show that the party is allowed to enter or remain indefinitely in the United Kingdom,
- (b) the party's passport (whether or not it is still valid) containing a valid vignette with photograph which shows that the party is allowed to stay indefinitely in the United Kingdom,
- (c) a valid biometric immigration document which shows that the party is allowed to stay indefinitely in the United Kingdom.

### Marginal Citations

- M9** Subsection (2A) of section 33 was inserted by section 39(6) of, and paragraph 7 of Schedule 4 to, the [British Nationality Act 1981](#).

### Interpretation

1. In this Schedule—

“certified copy” means a copy of an original document which—

- (a) is certified as a true copy of the original,
- (b) is signed and dated by the person who certifies it, and

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- (c) states that person's name, contact details and position or occupation,  
“driving licence” means a licence granted under—
- (a) Part 3 of the Road Traffic Act 1988 <sup>M10</sup>, or
  - (b) the Road Traffic (Northern Ireland) Order 1981 <sup>M11</sup>,
- and includes a provisional licence, a counterpart Community licence and a British external licence within the meaning of those enactments,  
“financial year” means any period of 12 months beginning with the 1st April,  
“relevant notice” means the notice given in respect of the proposed marriage or civil partnership,  
“residential tenancy agreement” means a tenancy which—
- (a) grants a right of occupation of premises for residential use, and
  - (b) is not an excluded agreement.

#### Marginal Citations

M10 1988 c. 52.

M11 S.I. 1981/154.

#### Evidence

2. For the purposes mentioned in regulation 7, the relevant notice must be accompanied by one of the following—
- (a) a utility bill,
  - (b) a bank or building society statement or passbook,
  - (c) where the party's usual address is in England, Wales or Scotland, a council tax bill,
  - (d) where the party's usual address is in Northern Ireland, a rate bill,
  - (e) a current residential tenancy agreement,
  - (f) a mortgage statement,
  - (g) the party's valid driving licence, or
  - (h) a letter from the owner or proprietor (“P”) of the address which is the party's usual address which—
    - (i) confirms it is the party's usual address,
    - (ii) states that P is the owner or proprietor,
    - (iii) states P's name,
    - (iv) states P's address, and
    - (v) is signed and dated by P.
3. The evidence mentioned in sub-paragraphs (a) to (g) of paragraph 2 must—
- (a) be in the name of the party, or, where it is in the name of more than one person, one of them must be the party, and
  - (b) show the party's usual address as the address to which the evidence was sent.
4. The utility bill mentioned in paragraph 2(a) must be dated no more than three months before the date on which the relevant notice is given.

5. The bank or building society statement or passbook mentioned in paragraph 2(b) must be dated no more than one month before the date on which the relevant notice is given.

6. The council tax bill mentioned in paragraph 2(c) or the rate bill mentioned in paragraph 2(d) must be dated no more than 12 months before the date on which the relevant notice is given.

7. The mortgage statement mentioned in paragraph 2(f) must be dated no more than 12 months before the date on which the relevant notice is given.

8. The letter mentioned in paragraph 2(h) must be dated no more than one month before the date on which the relevant notice is given.

9.—(1) Where it is not practicable to provide an original of a document mentioned in subparagraph (e), (f) or (g) of paragraph 2, a party may provide a certified copy.

(2) A document mentioned in paragraph (1) may not be certified by a person who is—

- (a) a family member of the party or the other party,
- (b) a person who lives with the party or the other party, or
- (c) the other party.

**Changes to legislation:**

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