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STATUTORY INSTRUMENTS

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**2015 No. 397**

**The Proposed Marriages and Civil Partnerships  
(Conduct of Investigations, etc.) Regulations 2015**

**PART 4**

**Compliance question**

**Notifying a relevant party that he or she has failed to comply with a specified or other relevant requirement**

**15.**—(1) This regulation applies where the Secretary of State believes a relevant party has failed to comply with a specified or any other relevant requirement<sup>(1)</sup> (“a requirement”).

(2) The Secretary of State may give notice in writing to the relevant party—

- (a) stating that the Secretary of State believes the relevant party has failed to comply with a requirement,
- (b) giving the reasons for that belief, and
- (c) requiring the relevant party to contact the Secretary of State within the period stated (which may not be less than a period of three working days beginning with the day on which the notice is given) with a view to complying with that (and any other) requirement.

(3) If a notice under paragraph (2) is given, it must include relevant contact details and may require the relevant party to make contact by telephone.

**Failure to comply with a specified requirement**

**16.** For the avoidance of doubt—

- (a) where a relevant party is required to attend an interview and be interviewed in accordance with regulations 4, and 6 to 10, a failure to respond to questions asked during such an interview (or a refusal to answer any further questions thereby bringing the interview to an end) may be regarded as a failure to comply with the requirement to be interviewed;
- (b) where a relevant party is required to attend an interview by telephone, a failure, so far as practicable, to keep the telephone line free during the time notified for the interview may be regarded as a failure to comply with that requirement.

**Deciding the compliance question**

**17.**—(1) The Secretary of State must decide the compliance question in accordance with this regulation.

(2) The Secretary of State may decide that a relevant party who fails, without reasonable excuse, to comply with a relevant requirement has not complied with the investigation.

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(1) “Relevant requirement” is defined in section 50(11) of the Immigration Act 2014 (c. 22). That definition is amended by paragraph 3 of Schedule 4 to [S.I. 2015/395](#) and paragraph 3 of Schedule 4 to [S.I. 2015/396](#).

(3) The Secretary of State may decide that a relevant party who fails, without reasonable excuse, to contact the Secretary of State following receipt of a notice given under regulation 15(2) has not complied with the investigation.

(4) Where a relevant party is removed from the United Kingdom after he or she has been given a section 48 notice but before the compliance question has been decided, the Secretary of State may decide that the relevant party has complied with the investigation.

(5) Where a relevant party leaves the United Kingdom in accordance with—

- (a) section 5(6) of the Immigration Act 1971<sup>(2)</sup> (procedure for, and further provision as to, deportation);
- (b) arrangements made by the Secretary of State under section 58 of the Nationality, Immigration and Asylum Act 2002<sup>(3)</sup> (voluntary departure from the United Kingdom) (“the Act”) to assist voluntary leavers; or
- (c) a project participated in by the Secretary of State under section 59 of the Act (international projects),

after he or she has been given a section 48 notice but before the compliance question has been decided, the Secretary of State may decide that the relevant party has complied with the investigation.

(6) Where the Secretary of State decides that a relevant party mentioned in paragraph (4) or (5) has complied with the investigation, the Secretary of State may also decide that the other relevant party has complied with the investigation.

(7) In this regulation “removed from the United Kingdom” means removed in accordance with directions given by an immigration officer or the Secretary of State under the Immigration Acts<sup>(4)</sup>.

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<sup>(2)</sup> 1971 c. 77; section 5(6) was amended by section 10 of the Immigration Act 1988 (c. 14).

<sup>(3)</sup> 2002 c. 41

<sup>(4)</sup> “Immigration Acts” is defined in Schedule 1 to the Interpretation Act 1978 (c. 30).