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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 5**

Section 48 notice

**Prescribed information about the investigation**

**18.**—(1) The information prescribed for the purposes of section 51(1)(d) of the 2014 Act (“section 51(1)(d) purposes”) is a statement—

- (a) that the Secretary of State may decide that a relevant party who has failed, without reasonable excuse, to comply with a relevant requirement has not complied with the investigation;
- (b) that, where the Secretary of State decides that a relevant party has, or (as the case may be) both relevant parties have, failed to comply with the investigation and gives notice of that decision within the 70 day period in accordance with section 50(7) of the 2014 Act, the proposed marriage or, as the case may be, civil partnership may not proceed (and the relevant parties must give fresh notice of their intention to marry or register their civil partnership if they wish it to do so);
- (c) that, in a case where the Secretary of State determines that a proposed marriage or civil partnership is a sham, the Secretary of State or an immigration officer may take immigration enforcement action in relation to a relevant party or, as the case may be, both relevant parties;
- (d) that, in a case where a proposed marriage or civil partnership which is or was the subject of an investigation proceeds and the Secretary of State subsequently determines that it is a sham, the Secretary of State or an immigration officer may take immigration enforcement action in relation to a relevant party or, as the case may be, both relevant parties;
- (e) that, without prejudice to the refusal of an application for entry clearance, limited leave [<sup>F1</sup>or indefinite leave] made on any other basis, in a case where the Secretary of State determines that a proposed marriage or civil partnership is a sham, the Secretary of State may refuse an application which is based upon a relevant party's relationship with the other relevant party;
- (f) that, without prejudice to the refusal of an application for entry clearance, limited leave [<sup>F2</sup>or indefinite leave] made on any other basis, in a case where a proposed marriage or civil partnership which is or was the subject of an investigation proceeds and the Secretary of State subsequently determines that it is a sham, the Secretary of State may refuse an application which is based upon a relevant party's relationship with the other relevant party.

(2) In the case of information prescribed in sub-paragraphs (d) to (f) of paragraph (1), the following additional information is prescribed for section 51(1)(d) purposes—

- (a) as respects information prescribed in sub-paragraphs (d) and (f), the additional information that a reference to a marriage or civil partnership being a sham is a reference to it being a sham within the meaning of section 24 or 24A of the Immigration and Asylum Act 1999<sup>M1</sup>;
- (b) as respects information prescribed in sub-paragraphs (e) and (f), the additional information that—
  - (i) “entry clearance”, “limited leave” and “indefinite leave” have the same meanings as in section 33 of the Immigration Act 1971<sup>M2</sup>; <sup>F3</sup> ...
  - <sup>F3</sup>(ii) .....

[<sup>F4</sup>(3) For the purposes of paragraph (2)(b)(ii) “retained enforceable EU right” means a right that—

- (a) was created or arose by or under the EU Treaties before the time when this paragraph comes into force; and
- (b) forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018,

as that right is modified from time to time.]

**Textual Amendments**

- F1** Words in [reg. 18\(1\)\(e\)](#) substituted (1.7.2021) by [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), **43(2)(a)**
- F2** Words in [reg. 18\(1\)\(f\)](#) substituted (1.7.2021) by [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), **43(2)(b)**
- F3** [Reg. 18\(2\)\(b\)\(ii\)](#) and word 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), **43(2)(c)**
- F4** [Reg. 18\(3\)](#) inserted (31.12.2020) by [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), **39(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**Marginal Citations**

- M1** [1999 c. 33](#); [section 24\(5\)](#) defines sham marriage and [section 24A](#) defines sham civil partnership. Those definitions have been amended by section 55 of the [Immigration Act 2014 \(c. 22\)](#). Specifically [section 24\(5\)](#) was substituted, and subsection (6) inserted, by section 55(1), and [section 24A\(5\)](#) substituted, and subsection (5A) inserted, by section 55(3).
- M2** [1971 c. 77](#); the definition of “entry clearance” was amended by section 39 of, and paragraph 2 of Schedule 4 to, the [British Nationality Act 1981 \(c. 61\)](#) and section 10 of, and paragraph 5 of the Schedule to, the [Immigration Act 1988 \(c. 14\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015, Section 18.