
STATUTORY INSTRUMENTS

2015 No. 404

The Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015

PART 2

Notices

Notices given by the Secretary of State to a party

4.—(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, or
- (b) the 2015 Regulations.

(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,
- (d) sent by ordinary first or second class postal service ("ordinary post") to the party's usual 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,
- (j) sent by courier to the party's representative.

(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 have the same usual 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 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 registrars and district registrars

- 5.—(1) This regulation applies to a notice required to be given by the Secretary of State—
- (a) in the case of a proposed marriage or civil partnership under the law of Scotland, to a district registrar under—
 - (i) Part 4 of the 2014 Act,
 - (ii) paragraph 2(6) of Schedule 1A to the 1977 Act(1), or
 - (iii) paragraph 2(6) of Schedule 10A to the 2004 Act(2); and
 - (b) in the case of a proposed marriage or civil partnership under the law of Northern Ireland, to a registrar under—
 - (i) Part 4 of the 2014 Act,
 - (ii) paragraph 2(6) of Schedule 2 to the 2003 Order(3), or
 - (iii) paragraph 2(6) of Schedule 13A to the 2004 Act(4).
- (2) A notice to which this regulation applies may be—
- (a) given by hand,
 - (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.
- (3) In paragraph (2)—
- “agreed” means agreed between the district registrar or (as the case may be) the registrar and the Secretary of State,
- “notified” means notified to the Secretary of State by the district registrar or (as the case may be) the registrar.

Presumptions about receipt of notice

- 6.—(1) Where a notice is given in accordance with regulation 4 or 5, 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 within the United Kingdom—
 - (i) on the second day after it was sent by postal service in which delivery or receipt is recorded, and
 - (ii) in the ordinary course of post if it was sent by ordinary first or second class post,
 - (b) where the notice is sent by document exchange, on the next working day after the day it was sent,
 - (c) where the notice is given by hand or sent by fax, email or courier (subject to sub-paragraph (d)), on the day it was given or (as the case may be) sent,

(1) Schedule 1A applies to “referred marriages” by virtue of section 3F. Both section 3F and Schedule 1A are inserted by paragraph 2 of Schedule 1 to the Scotland Order.

(2) Schedule 10A applies to “referred civil partnerships” by virtue of section 88F. Both section 88F and Schedule 10A are inserted by paragraph 2 of Schedule 3 to the Scotland Order.

(3) Schedule 2 applies to “referred marriages” by virtue of Article 3E. Both Article 3E and Schedule 2 are inserted by paragraph 3 of Schedule 1 to the Northern Ireland Order.

(4) Schedule 13A applies to “referred civil partnerships” by virtue of section 139E. Both section 139E and Schedule 13A are inserted by paragraph 2 of Schedule 3 to the Northern Ireland Order.

- (d) where the notice is sent by courier outside the United Kingdom, on the second day after the day it was sent, and
 - (e) where the notice is transmitted electronically under paragraph 2(c) of regulation 5, 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 sent, 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⁽⁵⁾ in the part of the United Kingdom to which the notice is sent.

(5) 1971 c. 80.