
STATUTORY INSTRUMENTS

2015 No. 404

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

PART 6

Prescribed information about a referral

Interpretation

19. In this Part—

“70 day period” has the same meaning as in section 50(11) of the 2014 Act,

“civil partnership schedule”—

- (a) in relation to a proposed civil partnership under the law of Scotland, has the same meaning as in section 135 of the 2004 Act,
- (b) in relation to a proposed civil partnership under the law of Northern Ireland, means the civil partnership schedule completed under section 143 of the 2004 Act,

“investigate” means investigate whether the referred marriage or civil partnership is a sham and “investigation” is to be construed accordingly,

“Marriage Schedule” in relation to a proposed marriage under the law of Scotland, means the Marriage Schedule completed under section 6(1) of the 1977 Act⁽¹⁾,

“marriage schedule” in relation to a proposed marriage under the law of Northern Ireland, means the marriage schedule completed under Article 7(1) of the 2003 Order,

“referred civil partnership” means—

- (c) in the case of a civil partnership under the law of Scotland, the proposed civil partnership referred to the Secretary of State under section 88F of the 2004 Act,
- (d) in the case of a civil partnership under the law of Northern Ireland, the proposed civil partnership referred to the Secretary of State under section 139E of the 2004 Act,

“referred marriage” means—

- (e) in the case of a marriage under the law of Scotland, the proposed marriage referred to the Secretary of State under section 3F of the 1977 Act,
- (f) in the case of a marriage under the law of Northern Ireland, the proposed marriage referred to the Secretary of State under Article 3E of the 2003 Order,

“relevant requirement” has the same meaning as in section 50(11) of the 2014 Act⁽²⁾,

⁽¹⁾ Amendments have been made to section 6(1) but they are not relevant to these Regulations.

⁽²⁾ The definition of “relevant requirement” in section 50(11) is amended by paragraph 3 of Schedule 4 to the Northern Ireland Order and paragraph 3 of Schedule 4 to the Scotland Order.

“specified requirement” means a requirement specified in regulations made under section 51(4) of the 2014 Act(3).

Purposes for which information is prescribed

20. Regulations 21 and 22 prescribe the information required to be given to the parties to a proposed marriage or civil partnership by a district registrar or (as the case may be) a registrar for the purposes of—

- (a) in the case of a proposed marriage under the law of Scotland, section 3F(5)(c)(i) and (ii) of the 1977 Act(4),
- (b) in the case of a proposed civil partnership under the law of Scotland, section 88F(5)(c)(i) and (ii) of the 2004 Act(5),
- (c) in the case of a proposed marriage under the law of Northern Ireland, Article 3E(4)(c)(i) and (ii) of the 2003 Order(6), and
- (d) in the case of a proposed civil partnership under the law of Northern Ireland, section 139E(4)(c)(i) and (ii) of the 2004 Act(7).

Effects of the referral

21. The information mentioned in regulation 20 as respects the effects of the referral is—

- (a) the fact that the Secretary of State is under a duty to decide whether to investigate,
- (b) the conditions that must be met for the Secretary of State to decide to investigate,
- (c) the fact that the Secretary of State is under a duty to notify the parties to the referred marriage or civil partnership of the decision made under section 48 of the 2014 Act whether to investigate, and the period within which the Secretary of State must do so,
- (d) where the Secretary of State gives notice of a decision to investigate under section 48 of the 2014 Act, the fact that (as the case may be)—
 - (i) in the case of a referred marriage under the law of Scotland, the district registrar may not issue the Marriage Schedule or (as the case may be) solemnise the marriage within the 70 day period (unless authorised to do so by the Registrar General),
 - (ii) in the case of a referred civil partnership under the law of Scotland, the district registrar may not complete the civil partnership schedule before the expiry of the 70 day period (unless authorised to do so by the Registrar General),
 - (iii) in the case of a referred marriage under the law of Northern Ireland, the registrar may not complete the marriage schedule before the expiry of the 70 day period (unless authorised to do so by the Registrar General),
 - (iv) in the case of a referred civil partnership under the law of Northern Ireland, the registrar may not complete the civil partnership schedule before the expiry of the 70 day period (unless authorised to do so by the Registrar General),
- (e) where the Secretary of State gives notice of a decision to investigate under section 48 of the 2014 Act, the fact that a party to a referred marriage or civil partnership is required to comply with a specified requirement if—
 - (i) the section 48 notice given to the party states that the party must do so, or

(3) The Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc) Regulations 2015 (S.I. 2015/397) have been made under section 51(4).

(4) Section 3F was inserted by paragraph 2 of Schedule 1 to the Scotland Order.

(5) Section 88F was inserted by paragraph 2 of Schedule 3 to the Scotland Order.

(6) Article 3E was inserted by paragraph 3 of Schedule 1 to the Northern Ireland Order.

(7) Section 139E was inserted by paragraph 2 of Schedule 3 to the Northern Ireland Order.

- (ii) the Secretary of State subsequently notifies the party (orally or in writing) that the party must do so,
- (f) the fact that the Secretary of State, as part of an investigation, is under a duty to decide whether each of the parties to the referred marriage or civil partnership has complied with the investigation and to give notice to the parties of that decision within the 70 day period,
- (g) where a party to a referred marriage or civil partnership fails, or (as the case may be) both parties fail, to comply, without reasonable excuse, with a requirement mentioned in sub-paragraph (e) or any other relevant requirement, the fact that the Secretary of State may decide that the party has not, or both parties have not, complied with the investigation,
- (h) where the Secretary of State decides that a party to a referred marriage or civil partnership has failed or (as the case may be) both parties have failed to comply with the investigation, the fact that the notice mentioned in sub-paragraph (f) must include a statement of the Secretary of State's reasons for reaching that decision,
- (i) the fact that where the Secretary of State gives notice of a decision that a party to a referred marriage or civil partnership has not, or (as the case may be) both parties have not, complied with the investigation—
 - (i) the referred marriage or civil partnership may not proceed after the expiry of the 70 day period, and
 - (ii) the parties must give fresh notice of their intention to marry or (as the case may be) register their civil partnership if they wish it to do so.

Requirement to notify the Secretary of State of a change of address

22.—(1) The information mentioned in regulation 20 as respects the requirement under these Regulations to notify the Secretary of State of a change of address is—

- (a) the fact that a party is required under regulation 11 to give notice to the Secretary of State of a change of address where the party's usual address changes ("a change of address"),
- (b) the period within which a party must give notice to the Secretary of State of a change of address,
- (c) the manner in which a party may or (as the case may be) must give notice of a change of address, including the details of any relevant numbers or addresses to which notice may (or must) be given,
- (d) the fact that a party may give notice of a change of address on behalf of both parties where they share that address,
- (e) the requirement under regulation 12 to provide evidence of a change of address and the period within which that must be done,
- (f) the kinds of evidence which may be provided under regulation 12.

(2) In paragraph (1) "relevant numbers and addresses" means such numbers and addresses as are notified to the district registrar or (as the case may be) the registrar by the Secretary of State under regulation 23.

Provision of numbers and addresses

23. The Secretary of State must notify a district registrar or (as the case may be) a registrar of details of such—

- (a) telephone numbers,
- (b) fax numbers,

- (c) email addresses,
- (d) postal addresses, or
- (e) delivery addresses,

to which a party may or (as the case may be) must give notice of a change of address under regulation 11 or provide evidence of a change of address under regulation 12.