STATUTORY INSTRUMENTS

2015 No. 177

REGISTRATION OF BIRTHS, DEATHS, MARRIAGES ETC., ENGLAND AND WALES CIVIL PARTNERSHIP, ENGLAND AND WALES

The Marriage (Authorised Persons) and Civil Partnership (Registration Provisions) (Amendment) Regulations 2015

Made - - - -	*5th February 2015*
Coming into force - -	*2nd March 2015*

The Registrar General, in exercise of the powers conferred by section 74(1)(a) of the Marriage Act 1949(**1**) and sections 8(2), 9E(1), 12(2), 21(2), 36(1), 36(2)(a) and (3), and 258(2) of the Civil Partnership Act 2004(**2**), and with the approval of the Secretary of State(**3**), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Marriage (Authorised Persons) and Civil Partnership (Registration Provisions) (Amendment) Regulations 2015 and come into force on 2ndMarch 2015.

Interpretation

2. In these Regulations, "2004 Act" means the Civil Partnership Act 2004.

Amendments to Marriage (Authorised Persons) Regulations 1952

3.—(1) The Marriage (Authorised Persons) Regulations 1952(**4**) are amended in accordance with paragraphs (2) and (3).

(**1**) 1949 c. 76.
(**2**) 2004 c. 33. Section 9E was inserted by paragraph 21 of Schedule 4 to the Immigration Act 2014 (c. 22). Section 36(3) was amended by S.I. 2005/2000 and by paragraph 28(2) of Schedule 4 to the Immigration Act 2014.
(**3**) See section 74(1) of the Marriage Act 1949 and section 36(2) of the 2004 Act. S.I. 2008/678 substituted the reference in section 36(2) of the 2004 Act to the Chancellor of the Exchequer with a reference to the Secretary of State.
(**4**) S.I. 1952/1869.

(2) In regulation 2(1)(**5**), in the definition of "trustees or governing body", for the words "the Admiralty or any person" to the end of the definition, substitute "the Secretary of State or any person authorised by the Secretary of State"(**6**).

(3) In regulation 17(**7**)—

(a) omit sub-paragraphs (d) and (da);

(b) after sub-paragraph (ca), insert—

"(e) unless sub-paragraph (f) applies, in the case of a marriage between two parties who have previously been through a form of marriage with each other (not being a marriage which is known to have been null and void) and neither of them has since married a third party, then notwithstanding sub-paragraphs (b) and (c)—

(i) if the previous marriage was terminated by divorce, he shall enter the words "Previously married at … on … Marriage dissolved on …", inserting particulars of the place and date of the previous marriage and the date of its dissolution, or

(ii) if the previous marriage was annulled, he shall enter the words "Previously married at … on … Marriage annulled on …", inserting particulars of the place and date of the previous marriage and the date of its annulment, or

(iii) if the ceremony was performed for the avoidance of doubt as to the validity of a previous ceremony, he shall enter the words "Previously went through a form of marriage at … on …", inserting the particulars of the place and date of the previous ceremony;

(f) where sub-paragraph (e) applies, and the parties are now legally of the same sex but their previous marriage was a marriage between a man and a woman, he shall enter the form of words referred to in sub-paragraphs (b) or (c) (as applicable), but if the parties so request, he shall enter the form of words referred to in sub-paragraph (e)(i), (ii) or (iii) (as applicable);

(g) in the case of a marriage between two parties of the same sex who have previously been through a form of civil partnership with each other (not being a civil partnership which is known to be void) and neither of them has since formed a civil partnership with, or married, a third party, then notwithstanding sub-paragraphs (ba) and (ca)—

(i) if the previous civil partnership has been terminated by final order of dissolution, he shall enter the words, "Previously formed a civil partnership at … on … Civil partnership dissolved on …", inserting particulars of the place and date of the previous civil partnership and the date of dissolution, or

(ii) if the previous civil partnership was annulled, he shall enter the words, "Previously formed a civil partnership at … on … Civil partnership annulled on …", inserting the particulars of the place and date of the previous civil partnership and the date of its annulment;

(h) in the case of a marriage between a man and a woman who have previously been through a form of civil partnership with each other (not being a civil partnership which is known to be void) and neither of them has since formed a

(**5**) Regulation 2(1) was amended by S.I. 2014/107 and S.I. 2014/3061.
(**6**) See section 1(2), (7) and 3(2) of the Defence (Transfer of Functions) Act 1964 (c. 15).
(**7**) Regulation 17 was amended by S.I. 1971/1216; S.I. 1986/1444; S.I. 2005/3177; and S.I. 2014/107.

civil partnership with, or married, a third party, he shall enter the form of words referred to in sub-paragraph (ba) or (ca) (as applicable), but if the parties so request, he shall enter the form of words referred to in sub-paragraph (g)(i) or (ii) (as applicable);"

Amendments to Civil Partnership (Registration Provisions) Regulations 2005

4.—(1) The Civil Partnership (Registration Provisions) Regulations 2005(**8**) are amended in accordance with paragraphs (2) to (6).

(2) For regulation 3, substitute—

"**Forms of notice of proposed civil partnership**

3.—(1) The information to be contained in, and the form of, the notice to be given by each party to a proposed civil partnership under section 8 of the 2004 Act(**9**) (notice of civil partnership under the standard procedure)—

(a) where both parties are relevant nationals(**10**) and where—

(i) both parties are aged 18 or over, is form 1 if attested in England or form 1(w) if attested in Wales;

(ii) either party is, or both parties are, aged under 18, is form 2 if attested in England, or form 2(w) if attested in Wales;

(b) where either party is not, or neither party is, a relevant national and where—

(i) both parties are aged 18 or over, is form 3 if attested in England or form 3(w) if attested in Wales;

(ii) either party is, or both parties are, aged under 18, is form 4 if attested in England or form 4(w) if attested in Wales;

(2) The information to be contained in, and the form of, the notice to be given under section 21 of the 2004 Act (notice of civil partnership under the special procedure) is form 5 is attested in England and form 5(w) if attested in Wales."

(3) After regulation 5, insert—

"**Specified evidence to accompany notice of civil partnership**

5A.—(1) Schedule 3 has effect to specify evidence of—

(a) a person's name, surname, date of birth and nationality, for the purposes of section 9(1)(a), (b) and (d) of the 2004 Act(**11**);

(b) a person's place of residence, for the purposes of section 9(1)(c) of the 2004 Act; and

(c) the ending of a person's previous marriage or civil partnership, for the purposes of section 9(2) of the 2004 Act."

(4) In Schedule 1(**12**), in the table of contents, for rows 1 to 8 (relating to forms 1 to 4(w)), substitute—

(**8**) S.I. 2005/3176.
(**9**) Section 8 was substituted by paragraph 4(2) and (3) of Schedule 1 to S.I. 2005/2000.
(**10**) "Relevant national" is defined in section 30A of the 2004 Act (inserted by paragraph 27 of Schedule 4 to the Immigration Act 2014 (c. 22)), and means a British citizen, a national of an EEA state other than the United Kingdom, or a national of Switzerland.
(**11**) 2004 c. 33; section 9 was substituted by paragraph 21 of Schedule 4 to the Immigration Act 2014.
(**12**) The forms in Schedule 1 were amended by S.I. 2011/1171 and S.I. 2014/107.

"1	3	Notice of civil partnership given where both parties are relevant nationals and are aged 18 or over	Civil Partnership Act, section 8(2)
1(w)	3	Notice of civil partnership given where both parties are relevant nationals and are aged 18 or over (with Welsh translation)	Civil Partnership Act, section 8(2)
2	3	Notice of civil partnership given where both parties are relevant nationals and where either party is, or both parties are, aged under 18	Civil Partnership Act, section 8(2)
2(w)	3	Notice of civil partnership given where both parties are relevant nationals and where either party is, or both parties are, aged under 18 (with Welsh translation)	Civil Partnership Act, section 8(2)
3	3	Notice of civil partnership given where either party is not, or neither party is, a relevant national and both parties are aged 18 or over	Civil Partnership Act, section 8(2)
3(w)	3	Notice of civil partnership given where either party is not, or neither party is, a relevant national and both parties are aged 18 or over (with Welsh translation)	Civil Partnership Act, section 8(2)
4	3	Notice of civil partnership given where either party is not, or neither party is, a relevant national and either party is, or both parties are, aged under 18	Civil Partnership Act, section 8(2)
4(w)	3	Notice of civil partnership given where either party is not, or neither party is, a relevant national and either party is, or both parties are, aged under 18 (with Welsh translation)	Civil Partnership Act, section 8(2)"

(5) In Schedule 1—

(a) for forms 3, 3(w), 4 and 4(w), substitute forms 3, 3(w), 4 and 4(w) in the Schedule to these Regulations; and

(b) for forms 11 and 11(w), substitute forms 11 and 11(w) in the Schedule to these Regulations.

(6) After Schedule 2, insert—

"SCHEDULE 3 Regulation 5A

Evidence

Interpretation

1. In this Schedule—

"claim for asylum" means a claim within the meaning of section 94(1) of the Immigration and Asylum Act 1999(**13**);

"Council Regulation" means the Council Regulation (EC) No. 2201/2003 of 27thNovember 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility;

"driving licence" means a licence granted under—

(**13**) 1999 c. 33.

(a) Part 3 of the Road Traffic Act 1988(**14**), or

(b) the Road Traffic (Northern Ireland) Order 1981(**15**),

and includes a provisional licence, a counterpart Community licence and a British external licence within the meaning of those enactments;

"humanitarian protection" means humanitarian protection granted in accordance with paragraph 339C of the immigration rules;

"immigration rules" means the rules for the time being laid down as mentioned in section 3(2) of the Immigration Act 1971(**16**);

"indefinite leave to enter or remain" means leave to enter or remain in the United Kingdom given in accordance with the provisions of the Immigration Act 1971 or the immigration rules which is not limited as to duration;

"limited leave to enter or remain" means leave to enter or remain in the United Kingdom given in accordance with the provisions of the Immigration Act 1971 or the immigration rules which is limited as to duration;

"settled status" has the same meaning as in section 33(2A) of the Immigration Act 1971(**17**);

"Stateless Convention" means the Convention relating to the Status of Stateless Persons done at New York on 28th September 1954(**18**);

"stateless person" has the same meaning as in Article 1 of the Stateless Convention;

"travel document" means a document which is not a passport, allowing a person to travel outside the United Kingdom.

Evidence of name, surname, date of birth and nationality

2.—(1) For the purposes of section 9(1)(a), (b) and (d) of the 2004 Act(**19**), one of the following original documents (or groups of documents) must be provided to the registration authority by a person ("P") giving a notice of civil partnership under section 8 of the 2004 Act(**20**), as evidence of P's name, surname, date of birth and nationality—

(a) P's valid passport;

(b) P's valid national identity card issued by an EEA state or Switzerland;

(c) certificate of registration as a British citizen granted to P by the Secretary of State together with another document referred to in paragraph 3 of this Schedule (except the letter referred to in paragraph 3(g)), to establish P's current use of the name and surname referred to on the certificate of registration (or, if P has changed name, evidence of the change of name);

(d) certificate of naturalisation as a British citizen granted to P by the Secretary of State together with another document referred to in paragraph 3 of this Schedule (except the letter referred to in paragraph 3(g)), to establish P's current use of the name and surname referred to on the certificate of naturalisation (or, if P has changed name, evidence of the change of name);

(e) where P was born in the United Kingdom—

(i) before 1st January 1983—

(**14**) 1988 c. 52.
(**15**) S.I. 1981/154.
(**16**) 1971 c. 77. There are amendments to section 3, not relevant here.
(**17**) Section 33(2A) was inserted by section 39(6) and paragraph 7(b) of Schedule 4 to the British Nationality Act 1981 (c. 61).
(**18**) United Nations, Treaty Series, volume 360 at page 117.
(**19**) 2004 c. 33; section 9 was substituted by paragraph 21 of Schedule 4 to the Immigration Act 2014 (c. 22).
(**20**) Section 8 was substituted by paragraph 4(2) and (3) of Schedule 1 to S.I. 2005/2000.