STATUTORY INSTRUMENTS

2015 No. 159

MARRIAGE, ENGLAND AND WALES
CIVIL PARTNERSHIP, ENGLAND AND WALES
IMMIGRATION

The Proposed Marriages and Civil Partnerships (Waiting Period) Regulations 2015

Made - - - - 2nd February 2015

Coming into force - - 2nd March 2015

The Secretary of State, in exercise of the powers conferred by sections 31(5ED) and 74(3) of the Marriage Act 1949(**1**) and sections 12(7) and 258(2) of the Civil Partnership Act 2004(**2**), and having consulted the Registrar General(**3**), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Proposed Marriages and Civil Partnerships (Waiting Period) Regulations 2015.

(2) They come into force on 2nd March 2015.

Proposed marriage: application to reduce 28 or 70 day period

2.—(1) An application made to the Secretary of State under section 31(5A), and in accordance with section 31(5EA), of the 1949 Act(**4**) must be made—

(a) by a party to the proposed marriage,

(**1**) 1949 c. 76; section 31(5ED) was inserted by paragraphs 1 and 10(1) and (3), and section 74(3) by paragraphs 1 and 15, of Schedule 4 to the Immigration Act 2014 (c. 22).

(**2**) 2004 c. 33; section 12(7) was inserted by paragraphs 18 and 23(1) and (3) of Schedule 4 to the Immigration Act 2014.

(**3**) See section 31(5EE) of the Marriage Act 1949, which was inserted by paragraphs 1 and 10(1) and (3) of Schedule 4 to the Immigration Act 2014, and section 12(8) of the Civil Partnership Act 2004, which was inserted by paragraphs 18 and 23(1) and (2) of Schedule 4 to the Immigration Act 2014.

(**4**) Section 31(5A) was inserted by section 160(6) of the Immigration and Asylum Act 1999 (c. 33) and amended by paragraphs 1 and 10(1) and (2)(c) of Schedule 4 to the Immigration Act 2014 . Section 31(5EA) was inserted by paragraphs 1 and 10(1) and (3) of Schedule 4 to the Immigration Act 2014. In a case where the Secretary of State notifies the superintendent registrar of his or her decision to investigate whether the proposed marriage is a sham, the waiting period referred to in section 31 of the Marriage Act 1949 is extended from 28 days to 70 days (see the modifications in paragraph 3 of Schedule 3A to the Marriage Act 1949; Schedule 3A was inserted by paragraphs 1 and 9 of Schedule 4 to the Immigration Act 2014).

(b) on form 1 in Schedule 1 if notice of marriage was given in England or form 1W in Schedule 2 if notice was given in Wales, together with any supporting evidence, and

(c) by giving the form and any supporting evidence to the superintendent registrar to whom notice of marriage was given by the party.

(2) The application must be accompanied by the fee (if any).

(3) In this regulation—

"1949 Act" means the Marriage Act 1949,

"fee" means the fee specified in an order made under section 31(5F) of the 1949 Act(**5**).

Proposed civil partnership: application to shorten the 28 or 70 day period

3.—(1) An application made to the Secretary of State under section 12(1), and in accordance with section 12(4), of the 2004 Act(**6**) must be made—

(a) by a party to the proposed civil partnership,

(b) on form 2 in Schedule 3 if notice of the proposed civil partnership was given in England or form 2W in Schedule 4 if notice was given in Wales, together with any supporting evidence, and

(c) by giving the form and any supporting evidence to the registration authority to which notice was given by the party.

(2) The application must be accompanied by the fee (if any).

(3) In this regulation—

"2004 Act" means the Civil Partnership Act 2004,

"fee" means the fee specified in an order made under section 34(1)(b) of the 2004 Act(**7**).

Further information or evidence

4.—(1) The Secretary of State may request further information or evidence from a party for the purposes of determining an application mentioned in regulation 2 or 3.

(2) In this regulation "party" means the party to the proposed marriage or (as the case may be) civil partnership who has made the application.

James Brokenshire
Minister of State
Home Office

2nd February 2015

(**5**) Section 31(5F) was inserted by section 160(6) of the Immigration and Asylum Act 1999 and amended by S.I. 2008/678. A fee has been specified by virtue of S.I. 2010/441, which was amended by S.I. 2012/760 and S.I. 2014/1790 and is amended by S.I. 2015/117.

(**6**) Section 12(1) was amended by paragraphs 18 and 23(1) and (2) of Schedule 4 to the Immigration Act 2014 and section 12(4) was inserted by paragraphs 18 and 23(1) and (2) of Schedule 4 to that Act. In a case where the Secretary of State notifies the registration authority of his or her decision to investigate whether the proposed civil partnership is a sham, the waiting period referred to in section 12 of the Civil Partnership Act 2004 is extended from 28 days to 70 days (see the modifications in paragraph 3 of Schedule 3A to the Civil Partnership Act 2004; Schedule 3A was inserted by paragraphs 18 and 25 of Schedule 4 to the Immigration Act 2014).

(**7**) Section 8(1) was amended by S.I. 2008/678. A fee has been specified by virtue of S.I. 2014 / 1789 and is amended by S.I. 2015/117.

SCHEDULE 1

Regulation 2

FORM 1

Marriage Act 1404 s. 31(5A) and (5B)

APPLICATION TO REDUCE THE 28/70 DAY WAITING PERIOD

Names of parties	Address	Proposed date of marriage	Place of marriage

I, ... *(name and surname)* gave notice of marriage in ..... Registration District

on ..... *(date)* and I apply to the Secretary of State for a reduction of the 28/70 day waiting period so that I may marry on the proposed date given above.

The other party named above Parts not applying to the Secretary of State for a reduction of the 28/70 day waiting period.

The exceptional circumstances of my case are:

(continue on a separate sheet if required)

I enclose/do not enclose evidence in support of my application and I enclose the appropriate fee.

Signed ..... Date ..... Contact telephone number (if available) .....

* *delete whichever does not apply*