Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Referral of Proposed Marriages and Civil Partnerships Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 123

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

The Referral of Proposed Marriages and Civil Partnerships Regulations 2015

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

The Secretary of State, in exercise of the powers conferred by sections 28D, 28G(2) and (3) and 28H(5)(c) and (7) and (10)(b) and (c) of the Marriage Act 1949 [F1] and sections 9B, 9E(2) and (3) and 12A(5)(c) and (7) and (9)(b) and (c) of the Civil Partnership Act 2004 [F2], and after consulting the Registrar General [F3], makes the following Regulations:

F1 1949 c. 76; sections 28D and 28G were inserted by paragraphs 1 and 7, and section 28H by paragraphs 1 and 8, of Schedule 4 to the Immigration Act 2014 (c. 22).

F2 2004 c. 33; sections 9B and 9E were inserted by paragraphs 18 and 21, and section 12A by paragraphs 18 and 24, of Schedule 4 to the Immigration Act 2014.

F3 See sections 28G(5) and 28H(10)(c) of the Marriage Act 1949 and sections 9E(6) and 12A(9)(c) of the Civil Partnership Act 2004.

PART 1

Introduction

Citation and commencement

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

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

Interpretation

2.—(1) In these Regulations—

"1949 Act" means the Marriage Act 1949,

"1971 Act" means the Immigration Act 1971 [F4],

"2004 Act" means the Civil Partnership Act 2004,

"2014 Act" means the Immigration Act 2014 [F5],

"biometric immigration document" has the same meaning as in section 5(1)(a) of the UK Borders Act 2007 [F6],

"party" means a party to a proposed marriage or civil partnership and "other party" is to be construed accordingly,

"passport" includes any other document designed to serve the same purpose as a passport and which satisfactorily establishes the holder's identity and citizenship,

"section 48 notice" has the same meaning as in section 62(1) of the 2014 Act,

"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 [F7] in England and Wales.

(2) In these Regulations—

(a) a reference to a passport (unless the contrary intention appears) is a reference to a valid passport,

(b) a reference to the particular immigration status of a party is to be construed in accordance with—

(i) in the case of a proposed marriage, section 27E(10)(b) of the 1949 Act,

(ii) in the case of a proposed civil partnership, section 8A(10)(b) of the 2004 Act,

(c) a reference to a "relevant visa" is to be construed in accordance with—

(i) in the case of a proposed marriage, section 27E(10)(a)(ii) of the 1949 Act [F8],

(ii) in the case of a proposed civil partnership, section 8A(10)(a)(ii) of the 2004 Act [F9].

F4 1971 c. 77.
F5 2014 c. 22.
F6 2007 c. 30.
F7 1971 c. 80.
F8 Section 27E of the Marriage Act 1949 was inserted by paragraphs 1 and 4 of Schedule 4 to the Immigration Act 2014.
F9 Section 8A of the Civil Partnership Act 2004 was inserted by paragraphs 18 and 20 of Schedule 4 to the Immigration Act 2014.

Retention and copying of evidence

3.—(1) This regulation applies where evidence is supplied to the Secretary of State under these Regulations by a party.

(2) The Secretary of State may—

(a) retain the evidence,

(b) copy the evidence,

(c) dispose of the evidence,

in such manner as the Secretary of State thinks appropriate.

(3) In this regulation "evidence" includes—

(a) a photograph or other image,

(b) any evidence rejected by the Secretary of State under regulation 10.

PART 2

Evidence

Photographs

4.—(1) This regulation applies where a photograph must be provided by a party under—

(a) in the case of a proposed marriage, section 27E(7) or 28C(6)(a) of the 1949 Act [F10],

(b) in the case of a proposed civil partnership, section 8A(7) or 9A(6)(a) of the 2004 Act [F11].

(2) The photograph must be a United Kingdom passport style and size photograph which—

(a) clearly shows the face of the party, who must—

(i) have a neutral expression, and

(ii) not be wearing anything which covers his or her head or hair (other than for religious or medical reasons),

(b) shows only the party and no other person or object,

(c) is unmarked, unaltered and without tears or creases, and

(d) was taken no more than one year before the date on which the notice of marriage or (as the case may be) proposed civil partnership is given.

F10 Section 28C was inserted by paragraphs 1 and 7 of Schedule 4 to the Immigration Act 2014.
F11 Section 9A was inserted by paragraphs 18 and 21 of Schedule 4 to the Immigration Act 2014.

Particular immigration status

5. Schedule 1 has effect to specify evidence of the particular immigration status of a party for the purposes of section 28C(2) of the 1949 Act and section 9A(2) of the 2004 Act.

Relevant visa

6.—(1) Paragraph (2) specifies evidence of the holding of a relevant visa by a party for the purposes of section 28C(3) of the 1949 Act and section 9A(3) of the 2004 Act.

(2) The evidence specified for the purposes mentioned in paragraph (1) is the party's passport endorsed to show, or the party's biometric immigration document showing, that he or she has been given one of the following kinds of visa or other authorisation (which remains in force) in respect of the party's proposed marriage or civil partnership to the other party—

(a) entry clearance or leave to enter as a visitor under the immigration rules for the purpose of marriage or civil partnership,

(b) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner under Appendix FM to the immigration rules,

(c) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner under Appendix Armed Forces to the immigration rules,

(d) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner outside the provisions of the immigration rules.

(3) In this regulation—

"entry clearance" has the same meaning as in section 33(1) of the 1971 Act [F12],

"immigration rules" means the rules laid down under section 3(2) of the 1971 Act,

"leave to enter" or "leave to remain" means leave to enter or remain in the United Kingdom given in accordance with section 3 of the 1971 Act [F13].

F12 The definition of "entry clearance" was amended by paragraph 2 of Schedule 4 to the British Nationality Act 1981 (c. 61) and paragraph 5 of the Schedule to the Immigration Act 1988 (c. 14).

F13 Relevant amendments made to section 3 are as follows: subsection (1) was amended by paragraphs 2 and 4 of Schedule 4 to the British Nationality Act 1981, paragraph 1(1) of Schedule 2 to the Asylum and Immigration Act 1996 (c. 49), **paragraphs 43** and 44(2) of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33), **sections 16** and 58 of, and the Schedule to, the UK Borders Act 2007 (c. 30), **section 50(1)** of the Borders, Citizenship and Immigration Act 2009 (c. 11); and subsection (3) was amended by paragraph 1 of the Schedule to the Immigration Act 1988.

Usual address

7. Schedule 2 has effect to specify evidence of a party's usual address for the purposes of section 28C(4) and (6)(b) of the 1949 Act and section 9A(4) and (6)(b) of the 2004 Act.

PART 3

Changes of address

Requirement to notify the Secretary of State of changes of address

8.—(1) This regulation applies where—

(a) a party's notified usual address changes, or

(b) a party's notified UK contact address changes.

(2) Subject to paragraph (3), the party must, within four working days beginning with the day on which the change occurs, give the Secretary of State notice of—

(a) in a case where paragraph (1)(a) applies—

(i) his or her usual address, and

(ii) in a case where that address is no longer in the United Kingdom, a UK contact address, or

(b) in a case where paragraph (1)(b) applies, his or her UK contact address.

(3) Where under paragraph (6) the Secretary of State requires a party to give notice of an address mentioned in paragraph (2) by telephone or by text message, the party must give the Secretary of State notice of that address within two working days beginning with the day on which the change occurs.

(4) But paragraphs (2) and (3) do not prevent a party giving notice of an address mentioned in paragraph (2) and when the change will occur beforehand (and if a party does, paragraphs (2) and (3) do not apply).

(5) Subject to paragraph (6), notice given under this regulation may be—

(a) given over the telephone to the telephone number,

(b) sent by text message to the telephone number,

(c) sent by fax to the fax number,

(d) sent by email to the email address,

(e) sent by postal service in which delivery or receipt is recorded to the address,

(f) sent by ordinary first or second class postal service to the address,

(g) delivered by hand at the address, or

(h) sent by courier to the address,

notified to the party in accordance with paragraph (8) (where such a number or address is so notified).

(6) But the Secretary of State may require a party to give notice in a particular way mentioned in paragraph (5).

(7) Where—

(a) both parties to a proposed marriage or civil partnership are required to give notice of an address mentioned in paragraph (2) under this regulation, and

(b) that address is (or is to be) the usual address or (as the case may be) the UK contact address of both parties,

notice under this regulation in respect of that address may be given by one party on behalf of both parties.

(8) A number or address mentioned in paragraph (5) may be notified to a party by—

(a) the superintendent registrar or (as the case may be) the registration authority in the information given to the party in accordance with regulation 16, or

(b) (subsequently) by the Secretary of State, in the section 48 notice given to the party or in any subsequent notification as mentioned in section 50(3)(b) of the 2014 Act.

Evidence of change of usual address

9.—(1) This regulation applies where, as a result of a change of usual address, a party gives notice of his or her usual address under regulation 8.

(2) The party must also provide evidence that the address mentioned in paragraph (1) is (or is to be) his or her usual address.

(3) The evidence mentioned in paragraph (2) must be—

(a) of a kind specified in paragraph 2(a) to (h) of Schedule 2, and

(b) provided in accordance with paragraph (4).

(4) The party must send or deliver the evidence to the Secretary of State at a notified address within seven working days beginning with the day on which the change mentioned in paragraph (1) of regulation 8 occurs.

(5) In a case where paragraph (7) of regulation 8 applies, one party may provide evidence on behalf of both parties (and where appropriate that may be the same evidence).

(6) Subject to paragraph (7), paragraphs 1 and 3 to 9 of Schedule 2 apply for the purpose of this regulation as they apply for the purposes mentioned in regulation 7.

(7) Schedule 2 has effect as it applies for the purpose of this regulation as if—

(a) in paragraph (4), for "three months" there were substituted " one week ",

(b) in paragraphs (5) and (8), for "one month" there were substituted " one week ",

(c) in paragraphs (6) and (7), for "12 months" there were substituted " one week ",