

SCHEDULES

SCHEDULE 4

REFERRAL OF PROPOSED MARRIAGES AND CIVIL PARTNERSHIPS IN ENGLAND AND WALES

PART 1

MARRIAGE

Referral to Secretary of State

8 After section 28G insert—

“28H Referral of proposed marriage to Secretary of State

- (1) On every occasion when notice of marriage is given under section 27, a superintendent registrar must decide whether or not each of the parties to the proposed marriage is an exempt person.
- (2) But this section does not apply if section 39A applies to the proposed marriage.
- (3) In making a decision under subsection (1) about a party to a proposed marriage, a superintendent registrar may rely on any advice given in relation to that decision by the Secretary of State.
- (4) In a case where—
 - (a) section 27E applies to the notice of marriage, and
 - (b) specified evidence required by section 28C(2) or (3) in relation to a party to the proposed marriage is not produced in accordance with that section,the superintendent registrar must decide that that party to the proposed marriage is not an exempt person.
- (5) If the superintendent registrar decides that either of the parties is not an exempt person, or that both of the parties are not exempt persons, the superintendent registrar must—
 - (a) refer the proposed marriage to the Secretary of State;
 - (b) notify the parties to the proposed marriage that the proposed marriage must be referred to the Secretary of State;
 - (c) give the parties to the proposed marriage prescribed information about—
 - (i) the effects of the referral;
 - (ii) the requirement under regulations under section 28D to notify the Secretary of State of changes of address.

Status: This is the original version (as it was originally enacted).

- (6) The superintendent registrar must act in accordance with regulations when complying with the duty in subsection (5)(a) to refer a proposed marriage to the Secretary of State.
- (7) Regulations may, in particular, make provision about—
 - (a) the form, manner or timing of the referral of a proposed marriage;
 - (b) information, photographs or evidence — or copies of any of those things — to be included with the referral of a proposed marriage.
- (8) Regulations are to be made by statutory instrument; and a statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) If the superintendent registrar refers the proposed marriage to the Secretary of State, this Act has effect in relation to the proposed marriage subject to the modifications in Schedule 3A.
- (10) In this section—
 - (a) a reference to a person being an exempt person has the same meaning as in section 49 of the Immigration Act 2014;
 - (b) “prescribed information” means information prescribed in regulations;
 - (c) “regulations” means regulations made by the Secretary of State after consulting the Registrar General.”.