

SCHEDULES

SCHEDULE 5

Section 54

SHAM MARRIAGE AND CIVIL PARTNERSHIP: ADMINISTRATIVE REGULATIONS

Introduction

- 1 (1) This Schedule sets out the kinds of regulations which may be made by the Secretary of State under section 54(2).
- (2) In this Schedule—
 - “extension order” has the meaning given in section 54(1);
 - “proposed Scottish or Northern Ireland marriage or civil partnership” means a proposed marriage or civil partnership under the law of Scotland or Northern Ireland.

Notices

- 2 (1) The Secretary of State may make regulations which make provision about the giving of relevant notices.
- (2) Regulations under this paragraph may, in particular, provide that a relevant notice given in accordance with the regulations is to be presumed to have been received by the person to whom it is given.
- (3) In this paragraph “relevant notice” means—
 - (a) a notice, under any provision of the referral and investigation scheme, which relates to a proposed Scottish or Northern Ireland marriage or civil partnership, and
 - (b) any other notice relating to the referral of a proposed Scottish or Northern Ireland marriage or civil partnership to the Secretary of State for the purposes of the referral and investigation scheme,(whether or not the notice falls to be given by virtue of provision made by an extension order).

Evidence

- 3 (1) The Secretary of State may make regulations about the supply of evidence in accordance with a relevant evidence provision.
- (2) Regulations under this paragraph may, in particular, make provision about—
 - (a) the kind of evidence which is to be supplied;
 - (b) the form in which evidence is to be supplied;
 - (c) the manner in which evidence is to be supplied;
 - (d) the period within which evidence is to be supplied;
 - (e) the supply of further evidence;

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- (f) the sufficiency of evidence supplied;
- (g) the consequences of failing to supply sufficient evidence in accordance with the regulations (including provision to secure that, in such a case, a particular decision is made or is to be treated as having been made);
- (h) the retention or copying of evidence supplied.

(3) In this paragraph—

“evidence” includes a photograph or other image;

“relevant evidence provision” means provision (whether or not made by an extension order) about the supply of evidence in relation to a proposed Scottish or Northern Ireland marriage or civil partnership in a case where one or both of the parties is not a relevant national.

Change of address

- 4 (1) The Secretary of State may, by regulations, make provision about the giving to the Secretary of State of—
- (a) notice of a relevant person’s usual address, if the person’s notified usual address changes;
 - (b) notice of a relevant person’s UK contact address, if the person’s notified usual address is not in the United Kingdom;
 - (c) notice of a relevant person’s UK contact address, if the person’s notified UK contact address changes;
 - (d) evidence of any address notified in accordance with regulations under paragraph (a), (b) or (c).
- (2) Regulations under this paragraph may, in particular, make—
- (a) provision imposing a requirement on a person;
 - (b) provision about the rejection of information or evidence which there are reasonable grounds to suspect to be false.
- (3) Regulations under sub-paragraph (1)(d) may, in particular, make any provision of the kind that may be made under paragraph 3(2).
- (4) In this paragraph—
- “notified”, in relation to an address of a relevant person, means notified (whether to the Secretary of State or another person) in connection with the proposed Scottish or Northern Ireland marriage or civil partnership (including any such address notified in accordance with provision made by an extension order or regulations made under this paragraph);
- “relevant person” means a person who is a party to a proposed Scottish or Northern Ireland marriage or civil partnership in a case where that person or the other party is not a relevant national (or both of them are not relevant nationals);
- “UK contact address” means an address in the United Kingdom at which a person can be contacted by post.

Referral

- 5 (1) The Secretary of State may make regulations requiring a person to act in accordance with the regulations when complying with a duty of referral.

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- (2) The regulations may, in particular, make provision about—
- (a) the form, manner or timing of the referral;
 - (b) information, photographs or evidence — or copies of any of those things — to be included with the referral.
- (3) The Secretary of State may make regulations requiring a person who refers a proposed marriage or civil partnership in accordance with a duty of referral to give the parties to the proposed marriage or civil partnership information prescribed in the regulations about—
- (a) the effects of the referral;
 - (b) any requirements under regulations under paragraph 4 to notify the Secretary of State of changes of address.
- (4) In this paragraph—
- “duty of referral” means a duty (whether or not contained in provision made by an extension order) to refer a proposed Scottish or Northern Ireland marriage or civil partnership to the Secretary of State for the purposes of the referral and investigation scheme;
 - “referral” means the referral of a proposed Scottish or Northern Ireland marriage or civil partnership under a duty of referral.

Applications for shortening of waiting period

- 6 (1) The Secretary of State may make regulations about the making, and granting, of applications for the shortening of a waiting period in cases where a proposed Scottish or Northern Ireland marriage or civil partnership is referred to the Secretary of State in accordance with a duty of referral.
- (2) Regulations may be made under this paragraph—
- (a) whether the application falls to be made by virtue of provision made by an extension order or otherwise;
 - (b) whether the application falls to be made to the Secretary of State or another person.
- (3) In this paragraph—
- “duty of referral” has the same meaning as in paragraph 5;
 - “waiting period”, in relation to a proposed Scottish or Northern Ireland marriage or civil partnership, means a period during which it is not possible for the marriage to be solemnized or civil partnership to be formed (but which falls after notice of the proposed marriage or civil partnership has been given for the purposes of enabling it to be solemnized or formed in due course).