

SCHEDULE 1

Amendments to the Marriage (Northern Ireland) Order 2003 and the Marriage Regulations (Northern Ireland) 2003

PART 1

1. The Marriage (Northern Ireland) Order 2003 is amended as follows.
2. In Article 2(2) (interpretation)—
 - (a) before the definition of “civil marriage” insert—

““2014 Act” means the Immigration Act 2014;”;
 - (b) in the definition of “regulations” after “means” insert “, other than in Articles 3A to 3E;”;
 - (c) after the definition of “regulations” insert—

““relevant national” means—

 - (a) a British citizen,
 - (b) a national of an EEA State other than the United Kingdom, or
 - (c) a national of Switzerland;”.
3. After Article 3 insert—

“Additional information if party not relevant national

3A.—(1) This Article applies to a marriage notice given to a registrar in accordance with Article 3 if one, or each, of the parties to the proposed marriage is not a relevant national.

(2) For each party to the proposed marriage who is not a relevant national, the notice shall be accompanied by whichever of statements A, B or C is applicable to that person.

(3) Statement A is a statement that the person has the appropriate immigration status.

(4) Statement B is a statement that the person holds a relevant visa in respect of the proposed marriage.

(5) Statement C is a statement that the person neither—

- (a) has the appropriate immigration status, nor
- (b) holds a relevant visa in respect of the proposed marriage.

(6) If the notice is accompanied by the statement referred to in the first column of an entry in this table, the notice shall also be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed marriage)—

<i>If the notice is accompanied by this statement....</i>	<i>...the notice shall also be accompanied by....</i>
Statement A (in respect of one or both of the parties to the proposed marriage)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed marriage)	1. For each party, a specified photograph of that party

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<i>If the notice is accompanied by this statement....</i>	<i>...the notice shall also be accompanied by....</i>
	2. For each party in respect of whom statement B is made, details of the relevant visa which that party has
Statement C (in respect of one or both of the parties to the proposed marriage)	1. For each party, a specified photograph of that party 2. For each party, the usual address of that party 3. For each party who has previously used any name or names other than the person’s name stated in the marriage notice, a statement of the other name or names 4. For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases.

(7) If the notice is accompanied by more than one of statements A, B and C, paragraph (6) shall be complied with in relation to each of those statements; but where the notice is accompanied by statements B and C, paragraph (6) does not require the notice to be accompanied by more than one specified photograph of each party.

- (8) If the notice is accompanied by statement C for a party to the proposed marriage—
 - (a) the notice may also be accompanied by a statement (“statement D”) of that person’s immigration position in the United Kingdom;
 - (b) if the notice is accompanied by statement D for a party to the proposed marriage, the person may provide the registrar with details of his immigration position in the United Kingdom; and
 - (c) if any such details are provided, the registrar shall record them.

(9) In this Article and Article 3B—

- (a) a reference—
 - (i) to a person having the appropriate immigration status, or
 - (ii) to a person holding a relevant visa,

is to be construed in accordance with section 49 of the 2014 Act;

- (b) a reference to the particular immigration status which a person has is a reference to the immigration status set out in any of paragraphs (a) to (c) of section 49(2) of that Act which the person has;
- (c) a reference to a person’s immigration position in the United Kingdom includes a reference to the person’s not being entitled to be in the United Kingdom.

(10) In this Article “specified photograph” means a photograph that is in accordance with regulations made by the Secretary of State under section 54(2) of, and paragraph 3 of Schedule 5 to, the 2014 Act (and for this purpose “photograph” includes other kinds of images).

Additional evidence if party not relevant national

3B.—(1) If a marriage notice to which Article 3A(1) applies (“the notice”) is accompanied by statement A (referred to in Article 3A(3)), and accordingly is also

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accompanied by details of the particular immigration status which a party to the proposed marriage has, the notice shall also be accompanied by specified evidence of that status.

(2) If the notice is accompanied by statement B (referred to in Article 3A(4)), the notice shall also be accompanied by specified evidence of the holding of the relevant visa by the party to the proposed marriage.

(3) If, in accordance with Article 3A(6), the notice is accompanied by the usual address of a party to the proposed marriage, the notice shall also be accompanied by specified evidence that it is that party's usual address.

(4) If the notice is accompanied by statement D (referred to in Article 3A(8)), the notice may also be accompanied by evidence of the person's immigration position in the United Kingdom.

(5) If paragraph (1) or (2) applies to the notice, and the notice is not accompanied by the specified evidence required by that paragraph, the notice shall be accompanied by—

- (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in Article 3A(6);
- (b) as respects the usual address of each party that is provided in accordance with subparagraph (a), specified evidence that the address provided is that party's usual address; and
- (c) names and aliases of the kinds referred to in paragraphs 3 and 4 in the relevant entry in Article 3A(6) (insofar as those paragraphs are applicable to the parties to the proposed marriage).

(6) In this Article—

“relevant entry in Article 3A(6)” means the second column of the last entry in the table in Article 3A(6);

“specified evidence” means evidence that is in accordance with regulations made by the Secretary of State under section 54(2) of, and paragraph 3 of Schedule 5 to, the 2014 Act.

Declaration to accompany information and evidence

3C. Where information and evidence accompany the marriage notice in accordance with Articles 3A and 3B that information and evidence shall also be accompanied by a declaration in writing and signed by the party who makes it that the party believes all of the information and evidence accompanying the notice to be true.

Rejection of false information or evidence

3D.—(1) A registrar may reject—

- (a) any information or photograph provided under Article 3A or 3B,
- (b) any evidence provided under Article 3B, or
- (c) any evidence relating to a party's nationality provided in accordance with Article 5,

if (in particular) the registrar has reasonable grounds for suspecting that the information, photograph or evidence is false.

(2) If the registrar rejects any information, photograph or evidence, the registrar may proceed under this Order as if the rejected information, photograph or evidence had not been provided.

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(3) This Article does not limit the powers of registrars to reject anything provided under any other statutory provision.

Referral of proposed marriage to Secretary of State

3E.—(1) On every occasion when a marriage notice is given under Article 3(1), a registrar shall decide whether or not each of the parties to the proposed marriage is an exempt person.

(2) In making a decision under paragraph (1) about a party to a proposed marriage, a registrar may rely on any advice given in relation to that decision by the Secretary of State.

(3) In a case where—

- (a) Article 3A applies to the marriage notice, and
- (b) specified evidence required by Article 3B(1) or (2) in relation to a party to the proposed marriage is not produced in accordance with that Article,

the registrar shall decide that that party to the proposed marriage is not an exempt person.

(4) If the registrar decides that either of the parties is not an exempt person, or that both of the parties are not exempt persons, the registrar shall—

- (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 to notify the Secretary of State of changes of address.

(5) The registrar shall act in accordance with regulations when complying with the duty in paragraph (4)(a) to refer a proposed marriage to the Secretary of State.

(6) If the registrar refers the proposed marriage to the Secretary of State, this Order has effect in relation to the proposed marriage subject to the modifications in Schedule 2.

(7) In this Article—

- (a) a reference to a person being an exempt person has the same meaning as in section 49 of the 2014 Act;
- (b) “prescribed information” means information prescribed in regulations;
- (c) “regulations” means regulations made by the Secretary of State under section 54(2) of, and Schedule 5 to, the 2014 Act.”

4. After the Schedule (repeals), which becomes Schedule 1, insert—

“SCHEDULE 2

Article 3E(6)

Modifications if proposed marriage referred under Article 3E

Introduction

1.—(1) These are the modifications subject to which this Order has effect if the registrar refers a proposed marriage to the Secretary of State.

(2) In this Schedule “referred marriage” means the proposed marriage referred to the Secretary of State.

No marriage schedule to be completed until decision about investigation etc

2.—(1) The duty under Article 7(1) to complete a marriage schedule in respect of the referred marriage does not apply unless and until one of the following events occurs.

(2) Event 1 occurs if—

- (a) the Secretary of State gives the registrar the section 48 notice, and
- (b) that notice is of a decision not to investigate whether the referred marriage is a sham.

(3) Event 2 occurs if—

- (a) the relevant statutory period ends, and
- (b) the Secretary of State has not given the registrar the section 48 notice.

(4) Event 3 occurs if—

- (a) the Secretary of State gives the registrar the section 48 notice,
- (b) that notice is of a decision to investigate whether the referred marriage is a sham,
- (c) the Secretary of State gives the registrar the section 50 notice, and
- (d) that notice is of a decision that both of the parties to the referred marriage have complied with the investigation.

(5) Event 4 occurs if—

- (a) the 70 day period ends, and
- (b) the Secretary of State has not given the registrar the section 50 notice.

(6) Event 5 occurs if the Secretary of State gives the registrar notice that the duty under Article 7 is applicable.

(7) The Secretary of State may give a notice for that purpose only if—

- (a) the Secretary of State has given the registrar the section 48 notice,
- (b) that notice is of a decision to investigate whether the referred marriage is a sham,
- (c) the Secretary of State has given the registrar the section 50 notice, and
- (d) that notice is of a decision that one or both of the parties to the referred marriage have not complied with the investigation.

(8) This paragraph applies in addition to any other requirements applicable to the completion of the marriage schedule.

(9) This paragraph is subject to paragraphs 3, 4 and 5.

(10) In this paragraph—

- “70 day period” has the same meaning as in section 50(11) of the 2014 Act;
- “relevant statutory period” has the same meaning as in section 62 of the 2014 Act⁽¹⁾;
- “section 48 notice” means notice under section 48(8A)⁽²⁾ of the 2014 Act;
- “section 50 notice” means notice under section 50(7) of the 2014 Act.

(1) The definition of relevant statutory period is amended by paragraph 4 of Schedule 4 to this Order and paragraph 4 of Schedule 4 to [S.I. 2015/396](#).

(2) Section 48(8A) is inserted by paragraph 2 of Schedule 4 to this Order.

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Marriage to be investigated: no marriage schedule to be completed until expiry of 70 day period

3.—(1) The modifications in this paragraph have effect if the Secretary of State gives the registrar notice under section 48(8A) of the 2014 Act of a decision to investigate whether the referred marriage is a sham.

(2) Article 7 has effect as if—

(a) in paragraph (1), after “intended marriage” there were inserted “but not before the expiry of the relevant 70 day period,”; and

(b) after paragraph (6) there were inserted—

“(7) In this Article “relevant 70 day period” means the period—

(a) beginning the day on which the record relating to the marriage is made in the marriage notice book, and

(b) ending at the end of the period of 70 days beginning with that day.”

(3) This paragraph is subject to paragraphs 4 and 5.

Requests to complete the marriage schedule before expiry of 70 day period

4.—(1) This paragraph applies if the Secretary of State gives the registrar notice under section 48(8A) of the 2014 Act of a decision to investigate whether the referred marriage is a sham.

(2) A party to the referred marriage may request the registrar to complete the marriage schedule before the expiry of the relevant 70 day period.

(3) That request shall—

(a) be in writing, and

(b) give the reasons why it is necessary for the marriage schedule to be completed before the expiry of the relevant 70 day period.

(4) A registrar may not complete the marriage schedule before the expiry of the relevant 70 day period unless authorised to do so by the Registrar General.

(5) The Registrar General may, with the consent of the Secretary of State, authorise the registrar to complete the marriage schedule on such date as the Registrar General considers necessary before the expiry of the relevant 70 day period.

(6) But the Secretary of State’s consent is not required if the request is made because a party to the referred marriage is gravely ill and not expected to recover.

(7) In this paragraph and paragraph 5 “relevant 70 day period” has the same meaning as in Article 7 (as modified by paragraph 3).

Effect of reducing statutory period

5.—(1) Where—

(a) the Registrar General has authorised—

(i) the reduction of the notice period for service of the marriage notice under regulation 3(2) of the Marriage Regulations (Northern Ireland) 2003(3), or

(ii) the registrar to complete a marriage schedule before the expiry of the relevant 70 day period in accordance with paragraph 4; and

(3) [S.R. \(NI\) 2003 No 468](#); paragraph (2) of regulation 3 is amended by, and paragraphs (3) and (4) inserted by, paragraph 8 of Schedule 1 to this Order. Regulation 3(2) is also amended with effect from 2 March 2015 by [S.I. 2014/296 \(N.I.\)](#).

(b) the authorisation under sub-paragraph (i) or, as the case may be, (ii) of paragraph (a) is given at a time when the duty under Article 7(1) to complete a marriage schedule in respect of the referred marriage has not arisen in accordance with paragraph 2 or 3, the duty under Article 7(1) to complete the marriage schedule arises on the giving of the authorisation, subject to any other requirements applicable to the completion of the schedule (and in the case of an authorisation mentioned in paragraph (a)(i), any other requirements applicable to the giving of notice) being met.

(2) But the requirements of paragraph 2 are not applicable in such a case.

(3) The Secretary of State is not prevented from deciding to conduct, conducting or continuing, an investigation if a marriage schedule is completed as mentioned in sub-paragraph (1).

(4) But in such a case, nothing in the 2014 Act requires the Secretary of State to decide whether to conduct, or to continue, an investigation.

(5) In this paragraph “investigation” means an investigation, conducted following a decision by the Secretary of State under section 48 of the 2014 Act, whether a proposed marriage is a sham.”

5.—(1) In Article 4 (marriage notice book), after paragraph (2) insert—

“(2A) But the registrar shall not enter the particulars relating to a marriage in the marriage notice book in a case where any of the following requirements is applicable but not complied with—

(a) a requirement imposed by or under any of the following provisions of this Order—

(i) Article 3A(2) to (7);

(ii) Article 3B(3);

(iii) Article 3B(5);

(iv) Article 5 so far as that requirement relates to nationality;

(b) the requirement imposed by section 23(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(4).

(2B) Where the registrar may not enter the particulars relating to a marriage in the marriage notice book as mentioned in paragraph (2A) the parties are to be taken not to have given notice under Article 3(1).”

6.—(1) After Article 7 (marriage schedule) insert—

“Marriage notice: false information or evidence

7A.—(1) A registrar may refuse to complete a marriage schedule under Article 7 (or where one has already been completed, may cancel it) in a case where—

(a) a marriage notice has been given under Article 3(1), and

(b) the registrar has reasonable grounds for suspecting that a relevant decision was made incorrectly because of the provision of false information or evidence in or accompanying that notice.

(2) If the registrar refuses to complete (or cancels) a marriage schedule under paragraph (1), the parties to the proposed marriage are to be taken not to have given notice under Article 3(1); but that does not prevent criminal proceedings from being brought against either party, or any other person, in relation to the giving of notice.

(4) Section 23 has been amended by [S.I. 2011/1158](#).

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(3) This Article does not limit any other power of the registrar to refuse to complete (or, as the case may be, cancel) a marriage schedule.

(4) In the case of a religious marriage, if the marriage schedule has already been issued, and it is practicable to do so, the registrar shall—

- (a) notify the officiant that the marriage schedule has been cancelled, and
- (b) advise the officiant not to solemnise the marriage.

(5) In this Article—

“evidence” includes a photograph or other image;

“exempt person” has the same meaning as in Article 3E;

“relevant decision” means a decision of a registrar that a party to the proposed marriage is an exempt person.”