

SCHEDULE 4

Article 2(4)

Amendments to the Immigration Act 2014

1. The Immigration Act 2014(1) is amended as follows.
2. In section 48 (decision whether to investigate)—
 - (a) after subsection (1) insert—

“(1A) This section also applies if—

 - (a) a registrar refers a proposed marriage to the Secretary of State under Article 3E of the Marriage (Northern Ireland) Order 2003(2), or
 - (b) a registrar refers a proposed civil partnership to the Secretary of State under section 139E of the Civil Partnership Act 2004(3).”;
 - (b) in subsection (7) after “proposed marriage” in the first place it occurs insert “referred to the Secretary of State as mentioned in subsection (1)(a)”;
 - (c) in subsection (8) after “proposed civil partnership” in the first place it occurs insert “referred to the Secretary of State as mentioned in subsection (1)(b)”;
 - (d) after subsection (8) insert—

“(8A) In the case of a proposed marriage referred to the Secretary of State as mentioned in subsection (1A)(a), the Secretary of State must give notice of the decision made under this section to—

 - (a) both of the parties to the proposed marriage, and
 - (b) the registrar who referred the proposed marriage to the Secretary of State.

(8B) In the case of a proposed civil partnership referred to the Secretary of State as mentioned in subsection (1A)(b), the Secretary of State must give notice of the decision made under this section to—

 - (a) both of the parties to the proposed civil partnership, and
 - (b) the registrar who referred the proposed civil partnership to the Secretary of State.”
 3. In section 50 (conduct of investigation)—
 - (a) in subsection (11) in the definition of “relevant requirement” after ““relevant requirement”” insert “in relation to a proposed marriage or civil partnership under the law of England and Wales,”;
 - (b) after the definition of “relevant requirement” insert—

““relevant requirement” in relation to a proposed marriage or civil partnership under the law of Northern Ireland, means any requirement imposed by law, including a requirement imposed by or in accordance with—

 - (a) subsection (3);
 - (b) regulations under paragraph 4 of Schedule 5;
 - (c) Article 3A or 3B of the Marriage (Northern Ireland) Order 2003;
 - (d) Article 5 of the Marriage (Northern Ireland) Order 2003 so far as that requirement relates to nationality;
 - (e) section 139A or 139B of the Civil Partnership Act 2004;

(1) 2014 c. 22.

(2) S.I. 2003/413 (N.I. 3); section 3E is inserted by article 3 of Schedule 1 to this Order.

(3) 2004 c. 33; section 139E is inserted by article 2 of Schedule 3 to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (f) section 141 of the Civil Partnership Act 2004 so far as that requirement relates to nationality.”.
4. In section 62(1) (interpretation of Part 4)—
- (a) in the definition of “Registrar General” for “means the Registrar General for England and Wales” substitute—
- “means—
- (a) in relation to regulations that apply to proposed marriages or civil partnerships under the law of England and Wales, the Registrar General for England and Wales;
- (b) in relation to regulations that apply to proposed marriages or civil partnerships under the law of Northern Ireland, the Registrar General for Northern Ireland;”;
- (b) in the definition of “relevant statutory period”—
- (i) in paragraph (a) after “a proposed marriage” insert “under the law of England and Wales”;
- (ii) after paragraph (a) insert—
- “(aa) in relation to a proposed marriage under the law of Northern Ireland, the period—
- (i) beginning the day on which the record of the proposed marriage is made in the marriage notice book in accordance with Article 4 of the Marriage (Northern Ireland) Order 2003; and
- (ii) ending at the end of the period of 28 days beginning with that day;”;
- (iii) in paragraph (b) after “a proposed civil partnership” insert “under the law of England and Wales”;
- (iv) after paragraph (b) insert—
- “(ba) in relation to a proposed civil partnership under the law of Northern Ireland, the period—
- (i) beginning the day on which the record of the proposed civil partnership is made in the civil partnership notice book in accordance with section 140(1) of the Civil Partnership Act 2004, and
- (ii) ending at the end of the period of 28 days beginning with that day;”;
- (c) for the definition of “section 48 notice” substitute—
- ““section 48 notice” means—
- (a) in relation to a proposed marriage or civil partnership under the law of England and Wales, a notice given under section 48(7) or (8),
- (b) in relation to a proposed marriage or civil partnership under the law of Northern Ireland, a notice given under section 48(8A) or (8B),”.