

SCHEDULE 4

Article 2(4)

Amendments to the Immigration Act 2014

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

“(1B) This section also applies if—

 - (a) a district registrar refers a proposed marriage to the Secretary of State under section 3F of the Marriage (Scotland) Act 1977, or
 - (b) a district registrar refers a proposed civil partnership to the Secretary of State under section 88F of the Civil Partnership Act 2004.”;
 - (b) after subsection (8B)(2) insert—

“(8C) In the case of a proposed marriage referred to the Secretary of State as mentioned in subsection (1B)(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 district registrar who referred the proposed marriage to the Secretary of State.

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

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

““relevant requirement” in relation to a proposed marriage or civil partnership under the law of Scotland, 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) section 3(4A)(4), 3A or 3B of the Marriage (Scotland) Act 1977;
 - (d) section 88(8)(5), 88A or 88B of the Civil Partnership Act 2004.”
 - 4.—(1) Section 62(1) (interpretation of Part 4) is amended as follows.
 - (2) In the definition of “Registrar General” after paragraph (b)(6) insert—

“(c) in relation to regulations that apply to proposed marriages or civil partnerships under the law of Scotland, the Registrar General for Scotland.”
 - (3) In the definition of “relevant statutory period”—

(1) Subsection (1A) is inserted by a parallel extension order in respect of Northern Ireland (the Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland) Order 2015 (S.I. 2015/395)) (“Northern Ireland Order”).

(2) Subsection (8B) is inserted by paragraph 2 of Schedule 4 to the Northern Ireland Order.

(3) Parallel amendments to section 50 are made by the Northern Ireland Order.

(4) Section 3(4A) was inserted by section 17 of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5).

(5) Section 88(8) was inserted by section 25 of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5).

(6) Sub-paragraph (b) is inserted by the Northern Ireland Order.

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

- (a) after paragraph (aa)(7) insert—
 - “(ab) in relation to a proposed marriage under the law of Scotland, the period—
 - (i) beginning the day after receipt by the district registrar of the marriage notice (as entered by the district registrar in the marriage notice book in accordance with section 4(1) of the Marriage (Scotland) Act 1977(8)), and
 - (ii) ending at the end of the period of 28 days beginning with that day;”;
- (b) after paragraph (ba) insert—
 - “(bb) in relation to a proposed civil partnership under the law of Scotland, the period—
 - (i) beginning the day after the particulars of the proposed civil partnership are entered in the civil partnership book in accordance with section 89(1) of the Civil Partnership Act 2004(9), and
 - (ii) ending at the end of the period of 28 days beginning with that day;”.
- (4) In the definition of “section 48 notice” after paragraph (b)(10) insert—
 - “(c) in relation to a proposed marriage or civil partnership under the law of Scotland, a notice given under section 48(8C) or (8D);”.

(7) Sub-paragraphs (aa) and (ba) are inserted by the Northern Ireland Order.

(8) 1977 c. 15; section 4 is amended by paragraph 4 of Schedule 3 to this Order; other amendments have been made to section 15 but they are not relevant to this Order.

(9) 2004 c. 33.

(10) The definition of “section 48 notice” is substituted by the Northern Ireland Order.