



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART I

#### IMMIGRATION: GENERAL

##### *Reporting suspicious marriages*

#### 24 Duty to report suspicious marriages.

(1) Subsection (3) applies if—

- (a) a superintendent registrar to whom a notice of marriage has been given under section 27 of the <sup>M1</sup>Marriage Act 1949,
- [<sup>F1</sup>(aa) a superintendent registrar, or registrar of births, deaths and marriages, who receives information in advance of a person giving such a notice,]
- (b) any other person who, under section 28(2) of that Act, has attested a declaration accompanying such a notice,
- (c) a district registrar to whom a marriage notice or an approved certificate has been submitted under section 3 of the <sup>M2</sup>Marriage (Scotland) Act 1977, <sup>F2</sup>...
- [<sup>F3</sup>(ca) a district registrar who receives information in advance of a person submitting such a notice or certificate,]
- (d) a registrar or deputy registrar to whom notice has been given under section 13 of the <sup>M3</sup>Marriages (Ireland) Act 1844 or section 4 of the <sup>M4</sup>Marriage Law (Ireland) Amendment Act 1863, [<sup>F4</sup>or
- (da) a registrar or deputy registrar who receives information in advance of a person giving such a notice,]

has reasonable grounds for suspecting that the marriage will be a sham marriage.

(2) Subsection (3) also applies if—

- (a) a marriage is solemnized in the presence of a registrar of marriages or, in relation to Scotland, an authorised registrar (within the meaning of the Act of 1977); and

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- (b) before, during or immediately after solemnization of the marriage, the registrar has reasonable grounds for suspecting that the marriage will be, or is, a sham marriage.
- (3) The person concerned must report his suspicion to the Secretary of State without delay and in such form and manner as may be prescribed by regulations.
- (4) The regulations are to be made—
  - (a) in relation to England and Wales, by the Registrar General for England and Wales with the approval of <sup>F5</sup>the Secretary of State];
  - (b) in relation to Scotland, by the Secretary of State after consulting the Registrar General of Births, Deaths and Marriages for Scotland;
  - (c) in relation to Northern Ireland, by the Secretary of State after consulting the Registrar General in Northern Ireland.
- <sup>F6</sup>(5) A marriage (whether or not it is void) is a “sham marriage” if—
  - (a) either, or both, of the parties to the marriage is not a relevant national,
  - (b) there is no genuine relationship between the parties to the marriage, and
  - (c) either, or both, of the parties to the marriage enter into the marriage for one or more of these purposes—
    - (i) avoiding the effect of one or more provisions of United Kingdom immigration law or the immigration rules;
    - (ii) enabling a party to the marriage to obtain a right conferred by that law or those rules to reside in the United Kingdom.
- (6) In subsection (5)—
  - “relevant national” means—
    - (a) a British citizen,
    - (aa) <sup>F7</sup>an Irish citizen, or
    - (ab) a person who is not an Irish citizen and who—
      - (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or
      - (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;]
  - (b) <sup>F8</sup> ...
  - (c) <sup>F8</sup> ...  
<sup>F9</sup> ...]

#### Textual Amendments

- F1** S. 24(1)(aa) inserted (14.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 56(2)(a)**, 75(2)
- F2** Word in s. 24(1)(c) omitted (14.7.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), **ss. 56(2)(b)**, 75(2)
- F3** S. 24(1)(ca) inserted (14.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 56(2)(c)**, 75(2)
- F4** S. 24(1)(da) and word inserted (14.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 56(2)(d)**, 75(2)
- F5** Words in s. 24(4)(a) substituted (3.4.2008) by [Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), **art. 1(2)**, **Sch. 2 para. 11(a)** (with art. 4)
- F6** S. 24(5)(6) substituted for s. 24(5) (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 55(2)**, 75(3); [S.I. 2015/371](#), **art. 2(1)(i)**

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- F7** Words in s. 24(6) inserted (1.7.2021) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **12(3)(a)**
- F8** Words in s. 24(6) omitted (1.7.2021) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **12(3)(b)**
- F9** Words in s. 24(6) omitted (31.12.2020) by virtue of [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), **11(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Modifications etc. (not altering text)

- C1** S. 24(4)(a): transfer of functions (3.4.2008) by [Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 11(a)** (with art. 4)

#### Commencement Information

- II** S. 24 wholly in force at 1.1.2001, see s. 170(4) and [S.I. 2000/2698](#), art. 2, **Sch.** (as amended by [S.I. 2000/3099](#), art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said [S.I. 2000/3099](#))

#### Marginal Citations

- M1** 1949 c. 76.  
**M2** 1977 c. 15.  
**M3** 1844 c. 81.  
**M4** 1863 c. 27.

### [<sup>F10</sup>24A Duty to report suspicious civil partnerships

(1) Subsection (3) applies if—

- (a) a registration authority to whom a notice of proposed civil partnership has been given under section 8 of the Civil Partnership Act 2004,  
[ a registration authority that receives information in advance of a person giving  
<sup>F11</sup>(aa) such a notice,]
- (b) any person who, under section 8 of the 2004 Act, has attested a declaration accompanying such a notice,
- (c) a district registrar to whom a notice of proposed civil partnership has been given under section 88 of the 2004 Act, <sup>F12</sup>...  
[ a district registrar who receives information in advance of a person giving  
<sup>F13</sup>(ca) such a notice,]
- (d) a registrar to whom a civil partnership notice has been given under section 139 of the 2004 Act, [<sup>F14</sup>or
- (da) a registrar who receives information in advance of a person giving such a notice,]

has reasonable grounds for suspecting that the civil partnership will be a sham civil partnership.

(2) Subsection (3) also applies if—

- (a) two people register as civil partners of each other under Part 2, 3 or 4 of the 2004 Act in the presence of the registrar, and
- (b) before, during or immediately after they do so, the registrar has reasonable grounds for suspecting that the civil partnership will be, or is, a sham civil partnership.

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- (3) The person concerned must report his suspicion to the Secretary of State without delay and in such form and manner as may be prescribed by regulations.
- (4) The regulations are to be made—
- (a) in relation to England and Wales, by the Registrar General for England and Wales with the approval of [<sup>F15</sup>the Secretary of State];
  - (b) in relation to Scotland, by the Secretary of State after consulting the Registrar General of Births, Deaths and Marriages for Scotland;
  - (c) in relation to Northern Ireland, by the Secretary of State after consulting the Registrar General in Northern Ireland.
- [<sup>F16</sup>(5) A civil partnership (whether or not it is void) is a “sham civil partnership” if—
- (a) either, or both, of the parties to the civil partnership is not a relevant national,
  - (b) there is no genuine relationship between the parties to the civil partnership, and
  - (c) either, or both, of the parties to the civil partnership enter into the civil partnership for one or more of these purposes—
    - (i) avoiding the effect of one or more provisions of United Kingdom immigration law or the immigration rules;
    - (ii) enabling a party to the civil partnership to obtain a right conferred by that law or those rules to reside in the United Kingdom.
- (5A) In subsection (5)—
- “relevant national” means—
- (a) a British citizen,
  - (aa) [<sup>F17</sup>an Irish citizen; or
  - (ab) a person who is not an Irish citizen and who—
    - (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or
    - (ii) is an applicant for the purposes of regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.]
  - (b) <sup>F18</sup> ...
  - (c) <sup>F18</sup> ...
- <sup>F19</sup> ...]
- (6) “The registrar” means—
- (a) in relation to England and Wales, the civil partnership registrar acting under Part 2 of the 2004 Act;
  - (b) in relation to Scotland, the authorised registrar acting under Part 3 of the 2004 Act;
  - (c) in relation to Northern Ireland, the registrar acting under Part 4 of the 2004 Act.]

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### Textual Amendments

- F10** S. 24A inserted (15.4.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), [Sch. 27 para. 162](#); S.I. 2005/1112, art. 2, Sch. 1; S.I. 2005/3175, art. 2(2)
- F11** S. 24A(1)(aa) inserted (14.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 56\(3\)\(a\)](#), 75(2)
- F12** Word in s. 24A(1)(c) omitted (14.7.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), [ss. 56\(3\)\(b\)](#), 75(2)
- F13** S. 24A(1)(ca) inserted (14.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 56\(3\)\(c\)](#), 75(2)
- F14** S. 24A(1)(da) and word inserted (14.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 56\(3\)\(d\)](#), 75(2)
- F15** Words in s. 24A(4)(a) substituted (3.4.2008) by [Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), [Sch. 2 para. 11\(b\)](#) (with art. 4)
- F16** S. 24A(5)(5A) substituted for s. 24A(5) (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), [ss. 55\(3\)](#), 75(3); S.I. 2015/371, art. 2(1)(i)
- F17** Words in s. 24A(5A) inserted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), [12\(4\)\(a\)](#)
- F18** Words in s. 24A(5A) omitted (31.12.2020) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), [12\(4\)\(b\)](#)
- F19** Words in s. 24A(5A) omitted (31.12.2020) by virtue of [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), [11\(4\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

### Modifications etc. (not altering text)

- C2** S. 24A(4)(a): transfer of functions (3.4.2008) by [Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), [Sch. 1 para. 11\(b\)](#) (with art. 4)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(12) inserted by [2023 c. 37 s. 10\(6\)](#)
- s. 40(1)-(1C) substituted for s. 40(1) by [2022 c. 36 s. 76\(2\)](#)
- s. 40(4A)(4B) inserted by [2022 c. 36 s. 76\(5\)](#)
- s. 72(10) repealed by [2004 c. 19 Sch. 4](#)
- s. 94(2A)-(2C) inserted by [2016 c. 19 Sch. 11 para. 3\(3\)](#)
- s. 94(2D) inserted by [2016 c. 19 Sch. 11 para. 7\(4\)](#)
- s. 94(3)(3A) substituted for s. 94(3) by [2002 c. 41 s. 44\(4\)](#) (This amendment is repealed (prosp.) by [2016 c. 19, Sch. 11 para. 41](#))
- s. 94(3A)-(3D) inserted by [2016 c. 19 Sch. 11 para. 3\(5\)](#)
- s. 95A inserted by [2016 c. 19 Sch. 11 para. 9](#)
- s. 96(1A) inserted by [2016 c. 19 Sch. 11 para. 10\(3\)](#)
- s. 97(3A)(b)(iv) inserted by [2022 c. 36 s. 13\(2\)\(c\)\(ii\)](#)
- s. 97(8)(9) inserted by [2016 c. 19 Sch. 11 para. 11\(4\)](#)
- s. 98A inserted by [2016 c. 19 Sch. 11 para. 13](#)
- s. 98A(5) inserted by [2022 c. 36 s. 13\(4\)](#)
- s. 103(4)(a) words substituted by [2004 c. 19 s. 10\(4\)\(b\)](#)
- s. 103(5)(b) word substituted by [S.I. 2008/2833 Sch. 3 para. 183\(ii\)](#)
- s. 103A(1) words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) heading words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) words substituted by [S.I. 2008/2833 Sch. 3 para. 184](#)
- s. 125(2)(ba) inserted by [2016 c. 19 Sch. 11 para. 22\(3\)\(b\)](#)
- s. 146(2)(za) inserted by [2016 c. 19 s. 44\(9\)](#)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by [2016 c. 19 Sch. 11 para. 24\(2\)](#)
- s. 166(5A)(5B) inserted by [2016 c. 19 Sch. 11 para. 24\(3\)](#)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by [2016 c. 19 Sch. 11 para. 24\(4\)](#)
- Sch. 2 para. 21 modified by [2002 c. 41 s. 23\(2\)\(a\)](#)
- Sch. 3 para. 2(5) modified by [2002 c. 41 s. 23\(2\)\(b\)](#)