



Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

2004 CHAPTER 19

Procedure for marriage

19 England and Wales

[^{F1}(1) This section applies to a marriage that is to be solemnised on the authority of [^{F2}a marriage schedule] under Part 3 of the Marriage Act 1949 (the “1949 Act”) unless each party to the marriage falls within exception A or exception B.

(1A) A party to the marriage falls within exception A if the person is a relevant national.

(1B) A party to the marriage falls within exception B if—

- (a) the person is exempt from immigration control, and
- (b) the notice of marriage is accompanied by the specified evidence required by section 28C(2) of the 1949 Act that the person is exempt from immigration control.]

(2) In relation to a marriage to which this section applies, the notices under section 27 of the Marriage Act 1949—

- (a) shall be given to the superintendent registrar of a registration district [^{F3}which is] specified for the purpose of this paragraph by regulations made by the Secretary of State [^{F4}and is the appropriate registration district],
- (b) shall be delivered to the superintendent registrar in person by the two parties to the marriage,
- (c) may be given only if each party to the marriage has been resident in a registration district for the period of seven days immediately before the giving of his or her notice (but the district need not be that in which the notice is given and the parties need not have resided in the same district), and
- (d) shall state, in relation to each party, the registration district by reference to which paragraph (c) is satisfied.

[^{F5}(2A) For the purposes of subsection (2) “the appropriate registration district” means—

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- (a) if the parties have resided in the same specified registration district for the period of seven days immediately before the giving of the notice (“the 7 day period”), that specified registration district,
- (b) if one or both of the parties have resided in a specified registration district (but not the same specified registration district) for the 7 day period, the specified registration district in which one of them has resided for that period, or
- (c) if neither of the parties has resided in a specified registration district for the 7 day period, any specified registration district.

(2B) In subsection (2A), “specified registration district” means a registration district specified for the purposes of subsection (2)(a) by regulations made under that provision.]

^{F6}(3)

[^{F7}(4) In this section—

- (a) a reference to a person being a relevant national, or being exempt from immigration control, has the same meaning as in section 49 of the Immigration Act 2014;
- (b) “notice of marriage” means a notice of marriage given under section 27 of the 1949 Act.]

Textual Amendments

- F1** S. 19(1)-(1B) substituted for s. 19(1) (1.3.2015) by Immigration Act 2014 (c. 22), **ss. 58(2)**, 75(3); S.I. 2015/371, art. 2(1)(j) (with art. 6)
- F2** Words in s. 19(1) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 59** (with Sch. 2)
- F3** Words in s. 19(2)(a) 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), **15(3)(a)(i)** (with Sch. 5 para. 8)
- F4** Words in s. 19(2)(a) 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), **15(3)(a)(ii)** (with Sch. 5 para. 8)
- F5** S. 19(2A)(2B) 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), **15(3)(b)** (with Sch. 5 para. 8)
- F6** S. 19(3) repealed (9.5.2011) by The Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2011 (S.I. 2011/1158), arts. 1(1), **2(1)(a)**
- F7** S. 19(4) substituted (1.3.2015) by Immigration Act 2014 (c. 22), **ss. 58(3)**, 75(3); S.I. 2015/371, art. 2(1)(j) (with art. 6)

Commencement Information

- I1** S. 19(1) in force at 1.2.2005 by S.I. 2004/3398, **art. 3**
- I2** S. 19(2)(3) in force at 1.12.2004 for specified purposes by S.I. 2004/2999, **art. 2, Sch.**
- I3** S. 19(2)(3)(4) in force at 1.2.2005 in so far as not already in force by S.I. 2004/3398, **art. 3**
- I4** S. 19(4) in force at 1.12.2004 for specified purposes by S.I. 2004/2999, **art. 2, Sch.**

20 England and Wales: supplemental

- (1) The Marriage Act 1949 (c. 76) shall have effect in relation to a marriage to which section 19 applies—

Changes to legislation: *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Cross Heading: Procedure for marriage is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) subject to that section, and
 - (b) with any necessary consequential modification.
- (2) In particular—
- (a) section 28(1)(b) of that Act (declaration: residence) shall have effect as if it required a declaration that—
 - (i) the notice of marriage is given in compliance with section 19(2) above, ^{F8}...
 - (ii) ^{F8}... and
 - (b) section 48 of that Act (proof of certain matters not essential to validity of marriage) shall have effect as if the list of matters in section 48(1)(a) to (e) included compliance with section 19 above.
- (3) [^{F9}Regulations under section 19(2)(a)—]
- (a) may make transitional provision,
 - (b) shall be made by statutory instrument, and
 - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Before making regulations under section 19(2)(a) the Secretary of State shall consult the Registrar General.
- (5) An expression used in section 19 or this section and in Part III of the Marriage Act 1949 (c. 76) has the same meaning in section 19 or this section as in that Part.
- ^{F10}(6)

Textual Amendments

- F8** Words in s. 20(2) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), arts. 1(1), **2(1)(c)**
- F9** Words in s. 20(3) substituted (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), arts. 1(1), **2(2)**
- F10** S. 20(6) repealed (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), s. 33, **Sch.** (with s. 30(2)-(5))

Commencement Information

- I5** S. 20(1)(2)(5)(6) in force at 1.2.2005 by [S.I. 2004/3398](#), **art. 3**
- I6** S. 20(3)(4) in force at 1.12.2004 for specified purposes by [S.I. 2004/2999](#), **art. 2, Sch.**
- I7** S. 20(3)(4) in force at 1.2.2005 in so far as not already in force by [S.I. 2004/3398](#), **art. 3**

21 Scotland

[^{F11}(1) This section applies to a marriage which is intended to be solemnised in Scotland unless each party to the marriage falls within exception A or exception B.

(1A) A party to the marriage falls within exception A if the person is a relevant national.

(1B) A party to the marriage falls within exception B if—

- (a) the person is exempt from immigration control, and

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- (b) the notice of intention to marry submitted under section 3 of the Marriage (Scotland) Act 1977 is accompanied by the specified evidence required by section 3B(1) of that Act that the person is exempt from immigration control.]
- (2) In relation to a marriage to which this section applies, notice under section 3 of the Marriage (Scotland) Act 1977 (c. 15)—
- (a) may be submitted to the district registrar of a registration district prescribed for the purposes of this section, and
- (b) may not be submitted to the district registrar of any other registration district.
- ^{F12}(3)
- (4) Where the district registrar to whom notice is submitted by virtue of subsection (2) (here the “notified registrar”) is not the district registrar for the registration district in which the marriage is to be solemnised (here the “second registrar”)—
- (a) the notified registrar shall^{F13}... send the notices and any fee, certificate or declaration [^{F14}which accompanied them][^{F14}submitted in pursuance of section 3 of the Marriage (Scotland) Act 1977 (c. 15) in relation to the marriage], to the second registrar, and
- (b) the second registrar shall be treated as having received the notices from the parties to the marriage on the dates on which the notified registrar received them.
- ^{F15}(5) In this section—
- (a) “relevant national” has the same meaning as in section 62 of the Immigration Act 2014,
- (b) a reference to a person being exempt from immigration control is to be construed in accordance with section 49 of that Act.]

Textual Amendments

- F11** S. 21(1)-(1B) substituted for s. 21(1) (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 2 para. 2**
- F12** S. 21(3) repealed (9.5.2011) by The Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2011 (S.I. 2011/1158), arts. 1(1), **2(1)(d)**
- F13** Words in s. 21(4)(a) repealed (9.5.2011) by The Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2011 (S.I. 2011/1158), arts. 1(1), **2(1)(e)**
- F14** Words in s. 21(4)(a) substituted (S.) (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 59(4)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F15** S. 21(5) substituted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 2 para. 3**

Commencement Information

- I8** S. 21(1)(4) in force at 1.2.2005 by S.I. 2004/3398, **art. 3**
- I9** S. 21(2)(3) in force at 1.12.2004 for specified purposes by S.I. 2004/2999, **art. 2, Sch.**
- I10** S. 21(2)(3)(5) in force at 1.2.2005 in so far as not already in force by S.I. 2004/3398, **art. 3**
- I11** S. 21(5) in force at 1.12.2004 for specified purposes by S.I. 2004/2999, **art. 2, Sch.**

22 Scotland: supplemental

- (1) The Marriage (Scotland) Act 1977 shall have effect in relation to a marriage to which section 21 applies—

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- (a) subject to that section, and
 - (b) with any necessary consequential modification.
- (2) In subsection (2)(a) of that section “prescribed” means prescribed by regulations made by the Secretary of State after consultation with the Registrar General for Scotland; and other expressions used in subsections (1) to (4) of that section and in the Marriage (Scotland) Act 1977 have the same meaning in those subsections as in that Act.
- (3) Regulations made by of the Secretary of State under subsection (2)(a) ^{F16}... of that section—
- (a) may make transitional provision,
 - (b) shall be made by statutory instrument, and
 - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F16 Words in s. 22(3) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), arts. 1(1), **2(1)(g)**

Commencement Information

I12 S. 22(1) in force at 1.2.2005 by [S.I. 2004/3398](#), **art. 3**

I13 S. 22(2)(3) in force at 1.12.2004 for specified purposes by [S.I. 2004/2999](#), **art. 2, Sch.**

I14 S. 22(2)(3) in force at 1.2.2005 in so far as not already in force by [S.I. 2004/3398](#), **art. 3**

23 Northern Ireland

[^{F17}(1) This section applies to a marriage which is intended to be solemnised in Northern Ireland unless each party to the marriage falls within exception A or exception B.

(1A) A party to the marriage falls within exception A if the person is a relevant national.

(1B) A party to the marriage falls within exception B if—

- (a) the person is exempt from immigration control, and
- (b) the notice of intention to marry is accompanied by the specified evidence required by Article 3B(1) of the Marriage (Northern Ireland) Order 2003 that the person is exempt from immigration control.]

(2) In relation to a marriage to which this section applies, the marriage notices—

- (a) shall be given only to a prescribed registrar, and
- (b) shall, in prescribed cases, be given by both parties together in person at a prescribed register office.

^{F18}(3)

(4) ^{F19}... if the prescribed registrar is not the registrar for the purposes of Article 4 of that Order, the prescribed registrar shall send him the marriage notices and he shall be treated as having received them from the parties to the marriage on the dates on which the prescribed registrar received them.

^{F20}(5)

[^{F21}(6) In this section—

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- (a) “relevant national” has the same meaning as in section 62 of the Immigration Act 2014;
- (b) a reference to a person being exempt from immigration control is to be construed in accordance with section 49 of that Act;
- (c) “notice of intention to marry” means a notice of intention to marry given under Article 3(1) of the Marriage (Northern Ireland) Order 2003.]

Textual Amendments

- F17** S. 23(1)-(1B) substituted for s. 23(1) (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), **Sch. 2 para. 2**
- F18** S. 23(3) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), arts. 1(1), **2(1)(h)**
- F19** Words in s. 23(4) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), arts. 1(1), **2(1)(i)**
- F20** S. 23(5) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), arts. 1(1), **2(1)(j)**
- F21** S. 23(6) substituted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), **Sch. 2 para. 3**

Commencement Information

- I15** S. 23(1)(4)(5) in force at 1.2.2005 by [S.I. 2004/3398](#), **art. 3**
- I16** S. 23(2)(3) in force at 1.12.2004 for specified purposes by [S.I. 2004/2999](#), **art. 2, Sch.**
- I17** S. 23(2)(3)(6) in force at 1.2.2005 in so far as not already in force by [S.I. 2004/3398](#), **art. 3**
- I18** S. 23(6) in force at 1.12.2004 for specified purposes by [S.I. 2004/2999](#), **art. 2, Sch.**

24 Northern Ireland: supplemental

- (1) The Marriage (Northern Ireland) Order 2003 (S.I. 2003/413 (N.I.3)) shall have effect in relation to a marriage to which section 23 applies—
 - (a) subject to section 23, and
 - (b) with any necessary consequential modification.
- (2) In section 23 “prescribed” means prescribed for the purposes of that section by regulations made by the Secretary of State after consulting the Registrar General for Northern Ireland and other expressions used in that section or this section and the Marriage (Northern Ireland) Order 2003 have the same meaning in section 23 or this section as in that Order.
- (3) Section 18(3) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)) (provisions as to holders of offices) shall apply to section 23 as if that section were an enactment within the meaning of that Act.
- (4) Regulations of the Secretary of State under section 23—
 - (a) may make transitional provision,
 - (b) shall be made by statutory instrument, and
 - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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Commencement Information

- I19** S. 24(1)(3) in force at 1.2.2005 by S.I. 2004/3398, **art. 3**
- I20** S. 24(2)(4) in force at 1.12.2004 for specified purposes by S.I. 2004/2999, **art. 2, Sch.**
- I21** S. 24(2)(4) in force at 1.2.2005 in so far as not already in force by S.I. 2004/3398, **art. 3**

F22 **25 Application for permission under section 19(3)(b), 21(3)(b) or 23(3)(b)**

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Textual Amendments

- F22** S. 25 repealed (2.4.2007 for specified purposes and for remaining purposes 9.5.2011) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), ss. 50(3)(b), 62(1), 62(2), **Sch. 3**; S.I. 2007/1109, art. 5, Sch. (with art. 6) (which saving provision was revoked (9.5.2011) by S.I. 2011/1158, art. 4); [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), arts. 1(1), **2(3)**

Changes to legislation:

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Cross Heading: Procedure for marriage is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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. 8(1A)(1B) inserted by [2022 c. 36 s. 19\(2\)](#)
- s. 8(3A)(3B) inserted by [2022 c. 36 s. 19\(3\)](#)
- s. 8(6A)(6B) inserted by [2022 c. 36 s. 19\(4\)](#)
- s. 8(9A)(a) word inserted by [2022 c. 36 Sch. 3 para. 7\(b\)](#)
- s. 8(9A)(b) and word inserted by [2022 c. 36 Sch. 3 para. 7\(c\)](#)
- s. 8(9B) inserted by [2022 c. 36 s. 19\(6\)](#)
- Sch. 3 para. 3(3) inserted by [2023 c. 37 s. 10\(9\)\(a\)](#)
- Sch. 3 para. 8(3) inserted by [2023 c. 37 s. 10\(9\)\(b\)](#)
- Sch. 3 para. 13(3) inserted by [2023 c. 37 s. 10\(9\)\(c\)](#)