

Status: Point in time view as at 01/03/2015.

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SCHEDULES

SCHEDULE 23

Section 249

IMMIGRATION CONTROL AND FORMATION OF CIVIL PARTNERSHIPS

PART 1

INTRODUCTION

Application of Schedule

- [^{F1}A1 (1) Part 2 of this Schedule applies to a civil partnership that is to be formed in England and Wales by signing a civil partnership schedule unless each party to the civil partnership falls within exception A or exception B.
- (2) A party to the civil partnership falls within exception A if the person is a relevant national.
- (3) A party to the civil partnership falls within exception B if—
- (a) the person is exempt from immigration control, and
 - (b) the notice of civil partnership is accompanied by the specified evidence required by section 9A(2) that the person is exempt from immigration control.
- (4) In this [^{F2}Schedule], 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.]

Textual Amendments

- F1** Sch. 23 para. A1 inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 58(5)**, 75(3); S.I. 2015/371, [art. 2\(1\)\(j\)](#) (with [art. 6](#))
- F2** Word in Sch. 23 para. A1(4) 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. 3 para. 8(a)** (with [art. 1\(3\)](#))

- [^{F3}^{F4}(1A) Part 3 of this Schedule applies if—
- (a) two people wish to register in Scotland as civil partners of each other, and
 - (b) one of them is subject to immigration control.
- (1B) Part 4 of this Schedule applies if—
- (a) two people wish to register in Northern Ireland as civil partners of each other, and
 - (b) one of them is subject to immigration control.]

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- (2) Part 4 of this Schedule applies to a civil partnership that is to be formed in Northern Ireland by signing a civil partnership schedule unless each party to the civil partnership falls within exception A or exception B.
- (3) A party to the civil partnership falls within exception A if the person is a relevant national.
- (4) A party to the civil partnership falls within exception B if—
- (a) the person is exempt from immigration control, and
 - (b) the notice of civil partnership is accompanied by the evidence required by regulations made under section 54(2) of, and paragraph 3 of Schedule 5 to, the Immigration Act 2014.]

Textual Amendments

- F3** Sch. 23 para. 1 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. 3 para. 8\(b\)](#) (with art. 1(3))
- F4** Sch. 23 para. 1(1A)(1B) substituted for Sch. 23 para. 1(1) (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), [ss. 58\(6\), 75\(3\)](#); [S.I. 2015/371](#), art. 2(1)(j) (with art. 6)

The qualifying condition

2

F5

Textual Amendments

- F5** Sch. 23 para. 2 repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), [art. 5\(1\)\(a\)](#)

PART 2

ENGLAND AND WALES

Application of this Part

[^{F6}3 This Part of this Schedule applies as mentioned in paragraph A1.]

Textual Amendments

- F6** Sch. 23 para. 3 substituted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), [ss. 58\(7\), 75\(3\)](#); [S.I. 2015/371](#), art. 2(1)(j) (with art. 6)

Procedure for giving notice of proposed civil partnership

- 4 (1) Each notice of proposed civil partnership under Chapter 1 of Part 2 of this Act—
- (a) must be given to a registration authority specified for the purposes of this paragraph by regulations made by the Secretary of State,^{F7} . . .

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- (b) must be delivered to the relevant individual in person by the two proposed civil partners.
 - [^{F8}(c) may be given only if each of the proposed civil partners has been resident in the area of a registration authority for the period of 7 days immediately before the giving of his or her notice (but the area need not be that of the registration authority to which the notice is given and the proposed civil partners need not have resided in the area of same registration authority), and
 - (d) must state, in relation to each of the proposed civil partners, the registration authority by reference to the area of which paragraph (c) is satisfied.]
- (2) “The relevant individual” means such employee or officer or other person provided by the specified registration authority as is determined in accordance with regulations made by the Secretary of State for the purposes of this sub-paragraph.
- (3) Regulations under sub-paragraph (2) may, in particular, describe a person by reference to the location or office where he works.
- (4) Before making any regulations under this paragraph the Secretary of State must consult the Registrar General.

Textual Amendments

- F7** Word in Sch. 23 para. 4(1)(a) omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 19(2)(a)** (subject to art. 1(2)(3))
- F8** Sch. 23 para. 4(1)(c)(d) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 19(2)(b)** (subject to art. 1(2)(3))

Commencement Information

- I1** Sch. 23 para. 4 wholly in force at 5.12.2005; Sch. 23 para. 4 not in force at Royal Assent see s. 263; Sch. 23 para. 4 in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), **art. 2**, **Sch. 1** and Sch. 23 para. 4 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), **art. 2(1)**, **Sch. 1**

Declaration

5 ^{F9}

Textual Amendments

- F9** Sch. 23 para. 5 repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), **art. 5(1)(b)**

Recording of notice

6 ^{F10}

Textual Amendments

- F10** Sch. 23 para. 6 repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), **art. 5(1)(b)**

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Supplementary

- 7 (1) Part 2 of this Act has effect in any case where this Part of this Schedule applies subject to any necessary modification.
- (2) In particular ^{F11}—
- (a) section 8(4)(b) has effect as if it required a declaration that the notice of proposed civil partnership is given in compliance with paragraph 4(1) above, and
 - (b) section 52 has effect as if the matters proof of which is not necessary in support of the civil partnership included compliance with this Part of this Schedule.]
- (3) An expression used in this Part of this Schedule and in Chapter 1 of Part 2 of this Act has the same meaning as in that Chapter.

Textual Amendments

F11 Words in Sch. 23 para. 7(2) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 19(3)** (subject to art. 1(2)(3))

PART 3

SCOTLAND

Application of this Part

^{F128} This Part of this Schedule applies as mentioned in paragraph ^{F13}1(1).]

Textual Amendments

F12 Sch. 23 para. 8 substituted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 58(8)**, 75(3); S.I. 2015/371, art. 2(1)(j) (with art. 6)

F13 Word in Sch. 23 para. 8 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. 3 para. 8(c)** (with art. 1(3))

Procedure for giving notice of proposed civil partnership

- 9 (1) Notice under section 88—
- (a) may be submitted to the district registrar of a district specified for the purposes of this paragraph by regulations made by the Secretary of State, and
 - (b) may not be submitted to the district registrar of any other registration district.
- (2) Before making any regulations under this paragraph the Secretary of State must consult the Registrar General.

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Commencement Information

- I2** Sch. 23 para. 9 wholly in force at 5.12.2005; Sch. 23 para. 9 not in force at Royal Assent see s. 263; Sch. 23 para. 9 in force for certain purposes at 15.4.2005 by S.I. 2005/1112, **art. 2**, **Sch. 1** and Sch. 23 para. 9 in force otherwise at 5.12.2005 by S.I. 2005/3175, **art. 2(1)**, **Sch. 1**

Pre-condition for making entry in civil partnership notice book etc.

- 10 (1) ^{F14}
- (2) Where the district registrar to whom notice is [^{F15}submitted by virtue of paragraph 9(1)] (here the “notified registrar”) is not the district registrar for the proposed place of registration (here the “second registrar”)—
- (a) the notified registrar shall ^{F16}. . . send the notices and any fee, [^{F17}paid, or any certificate or declaration submitted, in pursuance of section 88 in relation to the proposed civil partnership], to the second registrar, and
- (b) the second registrar shall be treated as having received the notices from the intended partners on the dates on which the notified registrar received them.
- (3) ^{F18}

Textual Amendments

- F14** Sch. 23 para. 10(1) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), **art. 5(1)(c)**
- F15** Words in Sch. 23 para. 10(2) substituted (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), **art. 5(2)**
- F16** Words in Sch. 23 para. 10(2)(a) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), **art. 5(1)(d)**
- F17** Words in Sch. 23 para. 10(2)(a) substituted (S.) (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 59(5)**, 63(2); S.S.I. 2006/469, **art. 3**, **Sch. 2**
- F18** Sch. 23 para. 10(3) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), **art. 5(1)(e)**

Commencement Information

- I3** Sch. 23 para. 10 wholly in force at 5.12.2005; Sch. 23 para. 10 not in force at Royal Assent see s. 263; Sch. 23 para. 10(1)(3) in force for certain purposes at 15.4.2005 by S.I. 2005/1112, **art. 2**, **Sch. 1** and Sch. 23 para. 10 in force otherwise at 5.12.2005 by S.I. 2005/3175, **art. 2(1)**, **Sch. 1**

Supplementary

- 11 (1) Part 3 of this Act has effect in any case where this Part of this Schedule applies subject to any necessary modification.
- (2) An expression used in this Part of this Schedule and in Part 3 of this Act has the same meaning as in that Part.

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PART 4

NORTHERN IRELAND

Application of this Part

[^{F19}12 This Part of this Schedule applies as mentioned in paragraph [^{F20}1(2)].]

Textual Amendments

- F19** Sch. 23 para. 12 substituted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), [ss. 58\(9\), 75\(3\)](#); [S.I. 2015/371](#), [art. 2\(1\)\(j\)](#) (with [art. 6](#))
- F20** Word in Sch. 23 para. 12 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. 3 para. 8\(d\)](#) (with [art. 1\(3\)](#))

Procedure for giving civil partnership notices

- 13 (1) The civil partnership notices must be given—
- only to a prescribed registrar, and
 - in prescribed cases by both parties together in person at a prescribed register office.
- (2) Before making any regulations under this paragraph the Secretary of State must consult the Registrar General.

Commencement Information

- I4** Sch. 23 para. 13 wholly in force at 5.12.2005; Sch. 23 para. 13 not in force at Royal Assent see s. 263; Sch. 23 para. 13 in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and Sch. 23 para. 13 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

Accompanying statement as to the qualifying condition

14 ^{F21}

Textual Amendments

- F21** Sch. 23 para. 14 repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), [art. 5\(1\)\(f\)](#)

Civil partnership notice book and civil partnership schedule

- 15 (1) ^{F22}
- (2) If the prescribed registrar ^{F23} . . . is not the registrar for the purposes of section 140(1), the prescribed registrar must send him the civil partnership notices and he is to be treated as having received them when the prescribed registrar received them.
- (3) ^{F24}

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Textual Amendments

- F22** Sch. 23 para. 15(1) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), [art. 5\(1\)\(g\)](#)
- F23** Words in Sch. 23 para. 15(2) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), [art. 5\(1\)\(h\)](#)
- F24** Sch. 23 para. 15(3) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), [art. 5\(1\)\(i\)](#)

Commencement Information

- I5** Sch. 23 para. 15 wholly in force at 5.12.2005; Sch. 23 para. 15 not in force at Royal Assent see s. 263; Sch. 23 para. 15(1)(3) in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and Sch. 23 para. 15 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

Supplementary

- 16 (1) Part 4 of this Act has effect in any case where this Part of this Schedule applies subject to any necessary modification.
- (2) In particular, section 176 has effect as if the matters proof of which is not necessary in support of the civil partnership included compliance with this Part of this Schedule.
- (3) In this Part of this Schedule—
- “prescribed” means prescribed by regulations made by the Secretary of State;
 - “registrar” means a person appointed under section 152(1)(a) or (b) or (3);
 - other expressions have the same meaning as in Chapter 1 of Part 4 of this Act.
- (4) Section 18(3) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)) (provisions as to holders of offices) shall apply to this Part of this Schedule as if it were an enactment within the meaning of that Act.

Commencement Information

- I6** Sch. 23 para. 16 wholly in force at 5.12.2005; Sch. 23 para. 16 not in force at Royal Assent see s. 263; Sch. 23 para. 16(3)(a) in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and Sch. 23 para. 16 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

PART 5

REGULATIONS

- 17 Any power to make regulations under this Schedule is exercisable by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.

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