

Changes to legislation: Civil Partnership Act 2004, Part 1 is up to date with all changes known to be in force on or before 18 March 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

SCHEDULES

SCHEDULE 23

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)**

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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. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)