
Changes to legislation: Civil Partnership Act 2004, Paragraph 162 is up to date with all changes known to be in force on or before 23 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

SCHEDULES

SCHEDULE 27

MINOR AND CONSEQUENTIAL AMENDMENTS: GENERAL

Immigration and Asylum Act 1999 (c. 33)

162 After section 24 insert—

“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,
- (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, or
- (d) a registrar to whom a civil partnership notice has been given under section 139 of the 2004 Act,

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.

(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 the Chancellor of the Exchequer;
- (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.

(5) “Sham civil partnership” means a civil partnership (whether or not void)—

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- (a) formed between a person (“A”) who is neither a British citizen nor a national of an EEA State other than the United Kingdom and another person (whether or not such a citizen or such a national), and
 - (b) formed by A for the purpose of avoiding the effect of one or more provisions of United Kingdom immigration law or the immigration rules.
- (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.”

Commencement Information

- II** Sch. 27 para. 162 wholly in force at 5.12.2005; Sch. 27 para. 162 not in force at Royal Assent see s. 263; Sch. 27 para. 162 in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and Sch. 27 para. 162 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(2\)](#)

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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\(2\)](#)