

SCHEDULES

SCHEDULE 1

Section 4

ENFORCEMENT POWERS

Power to escort detained persons

- 1 In Schedule 2 to the Immigration Act 1971, in paragraph 18(3) (power to escort detained persons) for the first “or of” substitute “an immigration officer, or”.

Power to search detained persons

- 2 (1) In Schedule 2 to the Immigration Act 1971, after paragraph 18 insert—
- “18A (1) An immigration officer or constable may search a person (“P”) who is detained under paragraph 16 for anything which P might use—
- (a) to cause physical injury to P or others, or
 - (b) to assist P’s escape from legal custody.
- (2) The power to search P—
- (a) unless sub-paragraph (3) applies, does not include power to require P to remove any clothing other than an outer coat, jacket or glove, but
 - (b) includes power to require P to open P’s mouth.
- (3) This sub-paragraph applies if an immigration officer or constable has reasonable grounds to believe that there is concealed on P anything which P might use as mentioned in sub-paragraph (1).
- (4) The power to search P may be exercised only to the extent reasonably required for the purpose of discovering anything which P might use as mentioned in sub-paragraph (1).
- (5) An intimate search (as defined in section 28H(11)) may not be conducted under this paragraph.
- (6) An immigration officer or constable may seize and retain anything found on a search of P if the officer or constable has reasonable grounds to believe P might use it as mentioned in sub-paragraph (1).
- (7) Nothing seized under sub-paragraph (6) may be retained when P is released from detention under paragraph 16.”
- (2) In paragraph 2(4) of Schedule 3 to the Immigration Act 1971 (which applies certain provisions of Schedule 2 to that Act), for “, 18” substitute “to 18A”.
- (3) In section 10(7) of the Immigration and Asylum Act 1999 (which applies certain provisions of Schedule 2 to the Immigration Act 1971), for “18” substitute “18A”.

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- (4) In section 47(3) of the Immigration, Asylum and Nationality Act 2006 (which applies certain provisions of Schedule 2 to the Immigration Act 1971), for “18” substitute “18A”.
- (5) In regulation 22(2) of the Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003) (which applies certain provisions of Schedule 2 to the Immigration Act 1971), for “18” substitute “18A”.

Entry and search of premises

- 3 (1) Paragraph 25A of Schedule 2 to the Immigration Act 1971 (power to enter premises and search for documents following arrest) is amended as follows.
 - (2) In sub-paragraph (1)(b) for “by a constable (other than under this Schedule)” substitute “other than under this Schedule”.
 - (3) After sub-paragraph (6) insert—
 - “(6A) If, on an application made by an immigration officer, a justice of the peace is satisfied that—
 - (a) there are reasonable grounds for believing that relevant documents may be found on premises not within sub-paragraph (2) which are specified in the application, and
 - (b) any of the conditions in sub-paragraph (6B) is met,
 the justice of the peace may issue a warrant authorising an immigration officer to enter and search the premises.
 - (6B) The conditions are that—
 - (a) it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (b) it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the relevant documents;
 - (c) entry to the premises will not be granted unless a warrant is produced;
 - (d) the purpose of a search may be frustrated or seriously prejudiced unless an immigration officer arriving at the premises can secure immediate entry.
 - (6C) In the application of sub-paragraph (6A) to Scotland, references to a justice of the peace are to be treated as references to the sheriff or a justice of the peace.”
 - (4) In sub-paragraph (7)—
 - (a) for “sub-paragraph (2)” substitute “this paragraph”;
 - (b) in paragraph (a) omit “and retain”;
 - (c) omit paragraph (b) and the “but” before it.
 - (5) After sub-paragraph (8) insert—
 - “(8A) An immigration officer may retain a document seized under sub-paragraph (7) while the officer has reasonable grounds for believing that—

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- (a) the arrested person may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and
 - (b) retention of the document may facilitate the person’s removal.”
- 4 In sections 28J(11) and 28K(14) of the Immigration Act 1971 (warrants - safeguards and execution) after “paragraph 17(2)” insert “or 25A(6A)”.

General power to use reasonable force

- 5 In section 146(1) of the Immigration and Asylum Act 1999 (power of immigration officer to use reasonable force when exercising powers under certain enactments) for “the 1971 Act or this Act” substitute “the Immigration Acts”.

SCHEDULE 2

Section 12

MEANING OF BIOMETRIC INFORMATION

Immigration Act 1971 (c. 77)

- 1 (1) Schedule 2 to the Immigration Act 1971 (entry control) is amended as follows.
- (2) In paragraph 4(5)—
- (a) after “provide” insert “biometric”;
 - (b) omit from “about his external physical characteristics” to the end.
- (3) After paragraph 4(5) insert—
- “(6) Biometric information” has the meaning given by section 15 of the UK Borders Act 2007.”
- (4) In paragraph 18(2A), for “fingerprints” substitute “biometric information (within the meaning given by section 15 of the UK Borders Act 2007)”.

Immigration and Asylum Act 1999 (c. 33)

- 2 (1) Section 144 of the Immigration and Asylum Act 1999 (provision for collecting physical data other than fingerprints) is amended as follows.
- (2) In subsection (1), for “data about external physical characteristics” substitute “biometric information”.
- (3) For subsection (2) substitute—
- “(2) Biometric information” has the meaning given by section 15 of the UK Borders Act 2007.”

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 3 (1) Section 126 of the Nationality, Immigration and Asylum Act 2002 (power to require provision of physical data with certain immigration applications) is amended as follows.

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- (2) In subsection (1)—
 - (a) in paragraph (a), for “information about external physical characteristics of the applicant” substitute “biometric information”;
 - (b) in paragraphs (b) and (c), for “information about his external physical characteristics” substitute “biometric information”.
 - (3) In subsection (4)(a), (b) and (c), before “information” insert “biometric”.
 - (4) In subsection (9), after the definition of “authorised person” insert—

““biometric information” has the meaning given by section 15 of the UK Borders Act 2007,”.
 - (5) In that subsection, omit the definition of “external physical characteristics” (and the “and” before it).
- 4 (1) Section 127 of that Act (voluntary provision of physical data) is amended as follows.
- (2) In subsection (1), for “information about his external physical characteristics” substitute “biometric information”.
 - (3) In subsection (2)(a) and (b), before “information” insert “biometric”.
 - (4) In subsection (3)—
 - (a) after paragraph (a) insert—

“(aa) biometric information”, and”;
 - (b) omit the “and” at the end of paragraph (b);
 - (c) omit paragraph (c).

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

- 5 In section 35(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (imposition of requirements to facilitate deportation or removal), for paragraph (c) substitute—
- “(c) provide biometric information (within the meaning of section 15 of the UK Borders Act 2007), or submit to a process by means of which such information is obtained or recorded;”.

SCHEDULE 3

Section 20

EXCLUDED RESIDENTIAL TENANCY AGREEMENTS

Social housing

- 1 (1) An agreement that grants a right of occupation in social housing.
- (2) “Social housing” means accommodation provided to a person by virtue of a relevant provision.
- (3) “Relevant provision” means a provision of—
- (a) in relation to England and Wales—
 - (i) Part 2 of the Housing Act 1985, or

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- (ii) Part 6 or 7 of the Housing Act 1996;
 - (b) in relation to Scotland, Part 1 or 2 of the Housing (Scotland) Act 1987;
 - (c) in relation to Northern Ireland—
 - (i) Chapter 4 of Part 2 of the Housing (Northern Ireland) Order 1981 (S.I. 1981/156 (N.I. 3)), or
 - (ii) Part 2 of the Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23)).
 - (4) Accommodation provided to a person by virtue of a relevant provision includes accommodation provided in pursuance of arrangements made under any such provision.
- 2
- (1) This paragraph applies for the purposes of paragraph 1.
 - (2) An allocation of housing accommodation by a local housing authority in England to a person who is already—
 - (a) a secure or introductory tenant, or
 - (b) an assured tenant of housing accommodation held by a private registered provider of social housing or a registered social landlord,is to be treated as an allocation of housing accommodation by virtue of Part 6 of the Housing Act 1996 (and accordingly section 159(4A) of that Act is to be ignored).
 - (3) An allocation of housing accommodation that falls within a case specified in, or prescribed under, section 160 of the Housing Act 1996 (cases where provisions about allocation under Part 6 of that Act do not apply) is to be treated as an allocation of housing accommodation by virtue of Part 6 of that Act (and accordingly that section is to be ignored).
 - (4) An allocation of housing accommodation by virtue of Part 1 of the Housing (Scotland) Act 1987 is to be treated as provided by virtue of a relevant provision only if it is provided by a local authority within the meaning of that Act (or in pursuance of arrangements made under or for the purposes of that Part with a local authority).
 - (5) Accommodation provided to a person in Northern Ireland by a registered housing association is to be treated as provided to the person by virtue of a relevant provision.
 - (6) Terms used in sub-paragraphs (2) and (3) have the same meanings as in Part 6 of the Housing Act 1996.
 - (7) In sub-paragraph (5) “registered housing association” means a housing association, within the meaning of Part 2 of the Housing (Northern Ireland) Order 1992 (S.I. 1992/1725 (N.I. 15)), that is registered in the register of housing associations maintained under Article 14 of that Order.

Care homes

- 3
- (1) An agreement that grants a right of occupation in a care home.
 - (2) “Care home” means—
 - (a) in relation to England and Wales, an establishment that is a care home for the purposes of the Care Standards Act 2000;
 - (b) in relation to Scotland, accommodation that is provided as a care home service within the meaning of Part 5 of the Public Services Reform (Scotland) Act 2010;

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- (c) in relation to Northern Ireland, an establishment that is a residential care home, or a nursing home, for the purposes of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)).

Hospitals and hospices

- 4 (1) An agreement that grants a right of occupation of accommodation in a hospital or hospice.
- (2) “Hospital”—
 - (a) in relation to England, has the meaning given in section 275 of the National Health Service Act 2006;
 - (b) in relation to Wales, has the meaning given in section 206 of the National Health Service (Wales) Act 2006;
 - (c) in relation to Scotland, has the meaning given in section 108 of the National Health Service (Scotland) Act 1978;
 - (d) in relation to Northern Ireland, has the meaning given in Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)).
- (3) “Hospice” means an establishment other than a hospital whose primary function is the provision of palliative care to persons resident there who are suffering from a progressive disease in its final stages.

Other accommodation relating to healthcare provision

- 5 (1) An agreement—
 - (a) under which accommodation is provided to a person as a result of a duty imposed on a relevant NHS body by an enactment, and
 - (b) which is not excluded by another provision of this Schedule.
- (2) “Relevant NHS body” means—
 - (a) in relation to England—
 - (i) a clinical commissioning group, or
 - (ii) the National Health Service Commissioning Board;
 - (b) in relation to Wales, a local health board;
 - (c) in relation to Scotland, a health board constituted by order made under section 2 of the National Health Service (Scotland) Act 1978;
 - (d) in relation to Northern Ireland, a Health and Social Services trust.

Hostels and refuges

- 6 (1) An agreement that grants a right of occupation of accommodation in a hostel or refuge.
- (2) “Hostel” means a building which satisfies the following two conditions.
- (3) The first condition is that the building is used for providing to persons generally, or to a class of persons—
 - (a) residential accommodation otherwise than in separate and self-contained premises, and

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- (b) board or facilities for the preparation of food adequate to the needs of those persons (or both).
- (4) The second condition is that any of the following applies in relation to the building—
- (a) it is managed by a registered housing association;
 - (b) it is not operated on a commercial basis and its costs of operation are provided wholly or in part by a government department or agency, or by a local authority;
 - (c) it is managed by a voluntary organisation or charity.
- (5) “Refuge” means a building which satisfies the second condition in sub-paragraph (4) and is used wholly or mainly for providing accommodation to persons who have been subject to any incident, or pattern of incidents, of—
- (a) controlling, coercive or threatening behaviour,
 - (b) physical violence,
 - (c) abuse of any other description (whether physical or mental in nature), or
 - (d) threats of any such violence or abuse.
- (6) In this paragraph—
- “government department” includes—
 - (a) any part of the Scottish Administration;
 - (b) a Northern Ireland department;
 - (c) the Welsh Assembly Government;
 - (d) any body or authority exercising statutory functions on behalf of the Crown;
 - “registered housing association” means—
 - (a) a private registered provider of social housing;
 - (b) a registered social landlord within the meaning of Part 1 of the Housing Act 1996 or section 165 of the Housing (Scotland) Act 2010;
 - (c) a housing association which is registered in a register maintained under Article 14 of the Housing (Northern Ireland) Order 1992 ([S.I. 1992/1725 \(N.I. 15\)](#));
 - “voluntary organisation” means a body, other than a public or local authority, whose activities are not carried on for profit.

Accommodation from or involving local authorities

- 7 (1) An agreement—
- (a) under which accommodation is provided to a person as a result of a duty or relevant power that is imposed or conferred on a local authority by an enactment (whether or not provided by the local authority), and
 - (b) which is not excluded by another provision of this Schedule.
- (2) “Relevant power” means a power that is exercised for, or in connection with, a purpose of providing accommodation to a person who is homeless or is threatened with homelessness.
- (3) In sub-paragraph (2) the reference to a person who is homeless or is threatened with homelessness is to be read in accordance with—
- (a) in relation to England and Wales, section 175 of the Housing Act 1996;
 - (b) in relation to Scotland, section 24 of the Housing (Scotland) Act 1987;

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- (c) in relation to Northern Ireland, Article 3 of the Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23)).

Accommodation provided by virtue of immigration provisions

- 8 An agreement granting a right of occupation of accommodation that is provided to an individual by virtue of any of the following provisions of the Immigration and Asylum Act 1999—
- (a) section 4 (provision of accommodation to persons granted temporary admission etc);
 - (b) section 95 (provision of support to asylum seekers etc);
 - (c) section 98 (provision of temporary support to asylum seekers etc).

Mobile homes

- 9 An agreement to which the Mobile Homes Act 1983 applies.

Tied accommodation

- 10 (1) An agreement that grants a right of occupation of tied accommodation.
- (2) “Tied accommodation” means accommodation that is provided—
- (a) by an employer to an employee in connection with a contract of employment, or
 - (b) by a body providing training in a trade, profession or vocation to an individual in connection with that training.
- (3) In this paragraph “employer” and “employee” have the same meanings as in the Employment Rights Act 1996 (see section 230 of that Act).

Student accommodation

- 11 (1) An agreement that grants a right of occupation in a building which—
- (a) is used wholly or mainly for the accommodation of students, and
 - (b) satisfies either of the following conditions.
- (2) The first condition is that the building is owned or managed by any of the following—
- (a) an institution within the meaning of paragraph 5 of Schedule 1 to the Local Government Finance Act 1992;
 - (b) a body that is specified in regulations made under Article 42(2A) of the Rates (Northern Ireland) Order 1977 (S.I. 1977/2157 (N.I. 28));
 - (c) a body established for charitable purposes only.
- (3) The second condition is that the building is a hall of residence.
- (4) In this paragraph and paragraph 12 “student”—
- (a) in relation to England and Wales or Scotland, has the same meaning as in paragraph 4 of Schedule 1 to the Local Government Finance Act 1992;
 - (b) in relation to Northern Ireland, means a person who satisfies such conditions as to education or training as may be specified in regulations made under Article 42(2A) of the Rates (Northern Ireland) Order 1977 (S.I. 1977/2157 (N.I. 28)).

- 12 An agreement under which accommodation is provided to a student who has been nominated to occupy it by an institution or body of the kind mentioned in paragraph 11(2).

Long leases

- 13 (1) An agreement that—
- (a) is, or is for, a long lease, or
 - (b) grants a right of occupation for a term of 7 years or more.
- (2) “Long lease” means—
- (a) in relation to England and Wales, a lease which is a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 or which, in the case of a shared ownership lease (within the meaning given by section 7(7) of that Act), would be such a lease if the tenant’s total share (within the meaning given by that section) were 100 per cent;
 - (b) in relation to Scotland, has the meaning given by section 9(2) of the Land Registration (Scotland) Act 2012.
- (3) An agreement does not grant a right of occupation for a term of 7 years or more if the agreement can be terminated at the option of a party before the end of 7 years from the commencement of the term.

Interpretation

- 14 (1) This paragraph applies for the purposes of this Schedule.
- (2) “Building” includes a part of a building.
- (3) “Enactment” includes—
- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
 - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
 - (c) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
 - (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation.
- (4) “Local authority” means—
- (a) in relation to England—
 - (i) a county, district or parish council in England,
 - (ii) a London borough council,
 - (iii) the Common Council of the City of London in its capacity as a local authority, or
 - (iv) the Council of the Isles of Scilly;
 - (b) in relation to Wales, any county, county borough or community council in Wales;
 - (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

- (d) in relation to Northern Ireland, a district council constituted under section 1 of the [Local Government Act \(Northern Ireland\) 1972 \(c. 9 \(N.I.\)\)](#).

SCHEDULE 4

Section 52

REFERRAL OF PROPOSED MARRIAGES AND CIVIL PARTNERSHIPS IN ENGLAND AND WALES

PART 1

MARRIAGE

Introduction

- 1 The Marriage Act 1949 is amended in accordance with this Part of this Schedule.

Supply of additional information and evidence

- 2 (1) Section 27 (notice of marriage) is amended in accordance with this paragraph.
 (2) In subsection (3), after “surname,” insert “the date of birth.”
 (3) In subsection (4), for “27A” substitute “27ZA”.
- 3 (1) After section 27 insert—

“27ZA Entry of particulars in notice book: compliance with requirements

The superintendent registrar shall not enter the particulars relating to a marriage in the marriage notice book in accordance with section 27(4), or in an approved electronic form by virtue of section 27(4A), in a case where any of the following requirements is applicable but is not complied with—

- (a) a requirement imposed by or under any of the following provisions of this Act—
 section 27A(2) or (3);
 section 27A(4);
 section 27B(2);
 section 27E(3) to (7);
 section 27E(8);
 section 28B(1);
 section 28C(4) or (6);
- (b) the requirement imposed by section 19(2) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.”.
- (2) Omit section 27A(5).
- 4 After section 27D insert—

“27E Additional information if party not relevant national

- (1) This section applies to notice of marriage given to a superintendent registrar in accordance with section 27 if one, or each, of the parties to the proposed marriage is not a relevant national.
- (2) But this section does not apply if section 39A applies to the proposed marriage.
- (3) For each party to the proposed marriage who is not a relevant national, the notice must include whichever of statements A, B or C is applicable to that person.
- (4) Statement A is a statement that the person has the appropriate immigration status.
- (5) Statement B is a statement that the person holds a relevant visa in respect of the proposed marriage.
- (6) Statement C is a statement that the person neither—
 - (a) has the appropriate immigration status, nor
 - (b) holds a relevant visa in respect of the proposed marriage.
- (7) If the notice contains the statement referred to in the first column of an entry in this table, the notice must be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed marriage)—

<i>If the notice includes this statement...</i>	<i>...the notice must be accompanied by...</i>
Statement A (in respect of one or both of the parties to the proposed marriage)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed marriage)	<ol style="list-style-type: none"> 1. For each party, a specified photograph of that party 2. For each party in respect of whom statement B is made, details of the relevant visa which that party has
Statement C (in respect of one or both of the parties to the proposed marriage)	<ol style="list-style-type: none"> 1. For each party, a specified photograph of that party 2. For each party, the usual address of that party 3. For each party whose usual address is outside the United Kingdom, an address in the United Kingdom at which that party can be contacted by post 4. For each party who has previously used any name or names other than the person’s name stated in the notice in accordance with

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<i>If the notice includes this statement...</i>	<i>...the notice must be accompanied by...</i>
	<p>section 27(3), a statement of the other name or names</p> <p>5. For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases</p>

(8) If the notice contains more than one of statements A, B and C, subsection (7) must be complied with in relation to each of those statements; but where the notice contains statements B and C, subsection (7) does not require the notice to be accompanied by more than one specified photograph of each party.

(9) If the notice includes statement C for a party to the proposed marriage—

- (a) the notice may be accompanied by a statement (“statement D”) of that person’s immigration position in the United Kingdom;
- (b) if the notice is accompanied by statement D for a party to the proposed marriage, the person may provide the superintendent registrar with details of his or her immigration position in the United Kingdom; and
- (c) if any such details are provided, the superintendent registrar must record them.

(10) In this section—

- (a) a reference—
 - (i) to a person having the appropriate immigration status, or
 - (ii) to a person holding a relevant visa,
 has the same meaning as in section 49 of the Immigration Act 2014;
- (b) a reference to the particular immigration status which a person has is a reference to the immigration status set out in any of paragraphs (a) to (c) of section 49(2) of that Act which the person has;
- (c) a reference to a person’s immigration position in the United Kingdom includes a reference to the person’s not being entitled to be in the United Kingdom.

(11) In this section “specified photograph” means a photograph that is in accordance with regulations made under section 28G (and for this purpose “photograph” includes other kinds of images).”

5 In section 28 (declaration to accompany notice of marriage), in subsection (1), after paragraph (c) insert—

“(d) that he or she believes all of the information stated in the notice, and all information and evidence supplied with the notice, is true.”

6 (1) Section 28A (power to require evidence) is amended in accordance with this paragraph.

(2) For the title substitute “**Power to require evidence of consent to marriages of same sex couples**”.

(3) Omit subsection (1).

(4) In subsection (2), for the words before “may” substitute “A requirement under subsection (1A)”.

(5) Omit subsection (3).

7 After section 28A insert—

“28B Provision of evidence

- (1) A notice of marriage under section 27 must, in relation to each of the parties to the marriage, be accompanied by specified evidence of the following matters—
 - (a) the person’s name and surname;
 - (b) the person’s date of birth;
 - (c) the person’s place of residence;
 - (d) the person’s nationality.
- (2) A person giving a notice of marriage under section 27 must provide the superintendent registrar to whom the notice is given with specified evidence—
 - (a) as to whether the person has previously been married or formed a civil partnership; and
 - (b) if so, as to the ending of the marriage or civil partnership.
- (3) In this section “specified evidence” means evidence that is in accordance with regulations made under section 28G.

28C Additional evidence if party not relevant national

- (1) This section applies to notice of marriage given to a superintendent registrar in accordance with section 27 if one, or each, of the parties to the proposed marriage is not a relevant national.
- (2) If the notice includes statement A (referred to in section 27E(4)), and accordingly is accompanied by details of the particular immigration status which a party to the proposed marriage has, the notice must be accompanied by specified evidence of that status.
- (3) If the notice includes statement B (referred to in section 27E(5)), the notice must be accompanied by specified evidence of the holding of the relevant visa by the party to the proposed marriage.
- (4) If, in accordance with section 27E(7), the notice is accompanied by the usual address of a party to the proposed marriage, the notice must also be accompanied by specified evidence that it is that party’s usual address.
- (5) If the notice includes statement D (referred to in section 27E(9)), the notice may be accompanied by evidence of the person’s immigration position in the United Kingdom.
- (6) If subsection (2) or (3) applies to the notice, and the notice is not accompanied by the specified evidence required by that subsection, the notice must be accompanied by—
 - (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in section 27E(7);

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- (b) as respects the usual address of each party that is provided in accordance with paragraph (a), specified evidence that the address provided is that party's usual address; and
- (c) addresses, names and aliases of the kinds referred to in paragraphs 3 to 5 in the relevant entry in section 27E(7) (insofar as those paragraphs are applicable to the parties to the proposed marriage).

(7) In this section—

“relevant entry in section 27E(7)” means the second column of the last entry in the table in section 27E(7);

“specified evidence” means evidence that is in accordance with regulations made under section 28G.

28D Change of usual address or UK contact address

(1) The Secretary of State may, by regulations, make provision about the giving to the Secretary of State of—

- (a) notice of a person's usual address, if the person's notified usual address changes;
- (b) notice of a UK contact address, if the person's notified usual address is not in the United Kingdom;
- (c) notice of a person's UK contact address, if the person's notified UK contact address changes;
- (d) evidence of any address notified in accordance with regulations under paragraph (a), (b) or (c).

(2) The provision that may be made in regulations under this section includes—

- (a) provision imposing a requirement on a person;
- (b) provision about the rejection of information or evidence which there are reasonable grounds to suspect to be false.

(3) Regulations under subsection (1)(d) may, in particular, make any provision of the kind that may be made under section 28G(3).

(4) Regulations under this section are to be made by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In this section—

“notified UK contact address” means an address in the United Kingdom, at which a person can be contacted by post, that has been notified in accordance with—

- (a) section 27E(7) or 28C(6), or
- (b) regulations under this section;

“notified usual address” means the usual address of a person that has been notified in accordance with—

- (a) section 27E(7) or 28C(6), or
- (b) regulations under this section.

28E Rejection of false information or evidence

(1) A superintendent registrar may reject—

- (a) any information or photograph provided under section 27, 27E or 28C, or
 - (b) any evidence provided under section 28A, 28B or 28C,
if (in particular) the superintendent registrar has reasonable grounds for suspecting that the information, photograph or evidence is false.
- (2) If the superintendent registrar rejects any information, photograph or evidence, the superintendent registrar may proceed under this Act as if the rejected information, photograph or evidence had not been provided.
- (3) This section does not limit the powers of superintendent registrars to reject anything provided under any other enactment.

28F Amendment of notice and evidence provisions

- (1) The Secretary of State may by order—
- (a) amend section 27, 27E or 28C so as to vary the information that must or may be given in cases where that section applies;
 - (b) amend section 28B or 28C so as to vary the matters in respect of which evidence must or may be given in cases where that section applies;
 - (c) make such provision (including provision amending section 27ZA, 28D or 28G or any other enactment) as the Secretary of State considers appropriate in consequence of provision made under paragraph (a) or (b).
- (2) The Secretary of State must consult the Registrar General before making an order under this section.
- (3) An order under this section is to be made by statutory instrument; and no statutory instrument containing such an order may be made unless a draft of it has been laid before, and approved by resolution of, each House of Parliament.

28G Specified evidence

- (1) The Registrar General may make regulations about the evidence that is required to be given for the purposes of section 8, 16 or 28B.
- (2) The Secretary of State may make regulations about the evidence that is required to be given for the purposes of section 28C.
- (3) Regulations under this section may, in particular, make provision about—
- (a) the kind of evidence which is to be supplied;
 - (b) the form in which evidence is to be supplied;
 - (c) the manner in which evidence is to be supplied;
 - (d) the period within which evidence is to be supplied;
 - (e) the supply of further evidence;
 - (f) the sufficiency of evidence supplied;
 - (g) the consequences of failing to supply sufficient evidence in accordance with the regulations (including provision to secure that, in such a case, a particular decision is made or is to be treated as having been made);

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- (h) the retention or copying of evidence supplied.
- (4) In this section “evidence” includes a photograph or other image.
- (5) The Secretary of State must consult the Registrar General before making regulations under this section.
- (6) The Registrar General must obtain the approval of the Secretary of State before making regulations under this section.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under this section made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.”.

Referral to Secretary of State

8 After section 28G insert—

“28H Referral of proposed marriage to Secretary of State

- (1) On every occasion when notice of marriage is given under section 27, a superintendent registrar must decide whether or not each of the parties to the proposed marriage is an exempt person.
- (2) But this section does not apply if section 39A applies to the proposed marriage.
- (3) In making a decision under subsection (1) about a party to a proposed marriage, a superintendent registrar may rely on any advice given in relation to that decision by the Secretary of State.
- (4) In a case where—
 - (a) section 27E applies to the notice of marriage, and
 - (b) specified evidence required by section 28C(2) or (3) in relation to a party to the proposed marriage is not produced in accordance with that section,
 the superintendent registrar must decide that that party to the proposed marriage is not an exempt person.
- (5) If the superintendent registrar decides that either of the parties is not an exempt person, or that both of the parties are not exempt persons, the superintendent registrar must—
 - (a) refer the proposed marriage to the Secretary of State;
 - (b) notify the parties to the proposed marriage that the proposed marriage must be referred to the Secretary of State;
 - (c) give the parties to the proposed marriage prescribed information about—
 - (i) the effects of the referral;
 - (ii) the requirement under regulations under section 28D to notify the Secretary of State of changes of address.

- (6) The superintendent registrar must act in accordance with regulations when complying with the duty in subsection (5)(a) to refer a proposed marriage to the Secretary of State.
- (7) Regulations may, in particular, make provision about—
 - (a) the form, manner or timing of the referral of a proposed marriage;
 - (b) information, photographs or evidence — or copies of any of those things — to be included with the referral of a proposed marriage.
- (8) Regulations are to be made by statutory instrument; and a statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) If the superintendent registrar refers the proposed marriage to the Secretary of State, this Act has effect in relation to the proposed marriage subject to the modifications in Schedule 3A.
- (10) In this section—
 - (a) a reference to a person being an exempt person has the same meaning as in section 49 of the Immigration Act 2014;
 - (b) “prescribed information” means information prescribed in regulations;
 - (c) “regulations” means regulations made by the Secretary of State after consulting the Registrar General.”.

9 Before Schedule 4 insert—

“SCHEDULE
3A

MODIFICATIONS IF PROPOSED MARRIAGE REFERRED UNDER SECTION 28H

Introduction

- 1 (1) These are the modifications subject to which this Act has effect if the superintendent registrar refers a proposed marriage to the Secretary of State.
- (2) In this Schedule—
 - “2014 Act” means the Immigration Act 2014;
 - “referred marriage” means the proposed marriage referred to the Secretary of State.

No certificate to be issued until decision about investigation etc

- 2 (1) The duty under section 31(2) to issue a certificate in respect of the referred marriage does not apply unless and until one of the following events occurs.
- (2) Event 1 occurs if—
 - (a) the Secretary of State gives the superintendent registrar the section 48 notice, and

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- (b) that notice is of a decision not to investigate whether the referred marriage is a sham.
- (3) Event 2 occurs if—
 - (a) the relevant statutory period ends, and
 - (b) the Secretary of State has not given the superintendent registrar the section 48 notice.
- (4) Event 3 occurs if—
 - (a) the Secretary of State gives the superintendent registrar the section 48 notice,
 - (b) that notice is of a decision to investigate whether the referred marriage is a sham,
 - (c) the Secretary of State gives the superintendent registrar the section 50 notice, and
 - (d) that notice is of a decision that both of the parties to the referred marriage have complied with the investigation.
- (5) Event 4 occurs if—
 - (a) the 70 day period ends, and
 - (b) the Secretary of State has not given the superintendent registrar the section 50 notice.
- (6) Event 5 occurs if the Secretary of State gives the superintendent registrar notice that the duty under section 31(2) is applicable.
- (7) The Secretary of State may give a notice for that purpose only if—
 - (a) the Secretary of State has given the superintendent registrar the section 48 notice,
 - (b) that notice is of a decision to investigate whether the referred marriage is a sham,
 - (c) the Secretary of State has given the superintendent registrar the section 50 notice, and
 - (d) that notice is of a decision that one or both of the parties to the referred marriage have not complied with the investigation.
- (8) This paragraph applies in addition to any other requirements applicable to the issue of the certificate.
- (9) This paragraph is subject to paragraph 4.
- (10) In this paragraph—
 - “70 day period” has the same meaning as in section 50 of the 2014 Act;
 - “relevant statutory period” has the same meaning as in section 48 of the 2014 Act;
 - “section 48 notice” means notice under section 48(7) of the 2014 Act;
 - “section 50 notice” means notice under section 50(7) of the 2014 Act.

Marriage to be investigated: extension of waiting period to 70 days

- 3
- (1) The modifications in this paragraph have effect if the Secretary of State gives the superintendent registrar notice under section 48(7) of the 2014 Act of a decision to investigate whether the referred marriage is a sham.
 - (2) Section 31(2): the reference to the said period of 28 days has effect as a reference to the relevant 70 day period.
 - (3) Section 31(4A)(a): the reference to the period of 28 days has effect as a reference to the relevant 70 day period.
 - (4) Section 31(5A) and (5C): the reference to the 28 day period has effect as a reference to the relevant 70 day period.
 - (5) Section 31(5B) does not apply.
 - (6) Section 75(3)(a): the reference to 28 days has effect as a reference to 70 days (and the reference in section 31(5C) to 28 days has effect accordingly).
 - (7) In this paragraph “relevant 70 day period” means the period—
 - (a) beginning the day after notice of the proposed marriage is entered in the marriage book in accordance with Part 3 of the Marriage Act 1949, or is entered in an approved electronic form by virtue of section 27(4A) of that Act, and
 - (b) ending at the end of the period of 70 days beginning with that day.

Effect of reducing statutory period

- 4
- (1) This paragraph applies if—
 - (a) the Secretary of State gives notice under section 31(5EB) of the grant of an application made under section 31(5A) (reduction of statutory period) in relation to the referred marriage, and
 - (b) that notice is given at a time when the duty under section 31(2) to issue a certificate in respect of the referred marriage has not arisen in accordance with paragraph 2.
 - (2) The duty under subsection 31(2) to issue a certificate in respect of the referred marriage arises on the giving of the notice, subject to any other requirements applicable to the issue of the certificate being met.
 - (3) But the requirements of paragraph 2 are not applicable in such a case.
 - (4) The Secretary of State is not prevented from deciding to conduct, conducting, or continuing, an investigation if a certificate in respect of the referred marriage is issued as mentioned in sub-paragraph (2).
 - (5) But in such a case, nothing in the 2014 Act requires the Secretary of State to decide whether to conduct, to conduct, or to continue, an investigation.
 - (6) In this paragraph “investigation” means an investigation, conducted following a decision by the Secretary of State under section 48 of the 2014 Act, whether a proposed marriage is a sham.”

Notice period

- 10 (1) Section 31 (marriage under certificate without licence) is amended in accordance with this paragraph.
- (2) In section 31—
- (a) for “15 successive days” (in each place) substitute “28 successive days”;
 - (b) for “15 days” (in each place) substitute “28 days”;
 - (c) for “15 day period” (in each place) substitute “28 day period”.
- (3) After subsection (5E) insert—
- “(5EA) If a proposed marriage is referred to the Secretary of State under section 28H—
- (a) any application under subsection (5A) is to be made to the Secretary of State; and
 - (b) the power conferred by subsection (5A) is exercisable by the Secretary of State;
- and the reference to the Registrar General in subsection (5C) accordingly has effect as a reference to the Secretary of State.
- (5EB) If the Secretary of State grants an application made under subsection (5A), the Secretary of State must give notice of the grant of the application to the applicant and to the superintendent registrar to whom notice of the marriage was given.
- (5EC) Regulations under subsection (5D) do not apply to applications made to the Secretary of State in accordance with subsection (5EA).
- (5ED) The Secretary of State may by regulations make provision with respect to the making, and granting, of applications made in accordance with subsection (5EA).
- (5EE) The Secretary of State must consult the Registrar General before making regulations under subsection (5ED).”.
- (4) In subsection (5H), after “(5D)” insert “or (5ED)”.

Marriage referred to Secretary of State: issue of certificates

- 11 (1) In section 31 (marriage under certificate without licence), at the end insert—
- “(7) This section has effect subject to section 31ZA.”.
- (2) After section 31 insert—

“31ZA Notice of marriage: false information or evidence

- (1) A superintendent registrar may refuse to issue a certificate under section 31(2) in a case where—
- (a) notice of marriage has been given under section 27, and
 - (b) a superintendent registrar has reasonable grounds for suspecting that a relevant decision was made incorrectly because of the provision of false information or evidence.

- (2) If the superintendent registrar refuses to issue the certificate, the parties to the proposed marriage are to be taken not to have given notice under section 27; but that does not prevent criminal proceedings from being brought against either party, or any other person, in relation to the giving of the notice.
- (3) This section does not limit the powers of superintendent registrars to refuse to issue certificates under section 31 in respect of marriages.
- (4) In this section—
- “evidence” includes a photograph or other image;
 - “exempt person” has the same meaning as in section 28H;
 - “relevant decision” means a decision of a superintendent registrar that a party to a proposed marriage is an exempt person.”
- (3) In section 31A (appeal on refusal under section 31(2)(a))—
- (a) in the title, at the end insert “**or 31ZA**”;
 - (b) in subsection (1), after “31(2)(a)” insert “or 31ZA”;
 - (c) after subsection (2) insert—
 - “(2A) In a case where—
 - (a) in reliance on section 31ZA, a superintendent registrar refuses to issue a certificate, and
 - (b) on an appeal against the refusal, the Registrar General directs that a certificate be issued,
 section 31ZA(2) is of no effect — and is to be taken to have never had any effect — in relation to the parties’ giving of notice under section 27.”;
 - (d) after subsection (3) insert—
 - “(3A) If—
 - (a) relying on section 31ZA, a superintendent registrar refuses to issue a certificate, and
 - (b) on an appeal against the refusal, the Registrar General declares the appeal to have been frivolous,
 the person making the appeal is liable for the costs of the proceedings before the Registrar General.”;
 - (e) in subsection (4)—
 - (i) for “such costs and damages” substitute “costs and damages in accordance with subsection (3) or (3A)”;
 - (ii) at the end insert “(in the case of subsection (3)) or evidence that the Registrar General has declared the appeal to have been frivolous (in the case of subsection (3A))”.

Certificates

- 12 (1) Section 35 (marriage in registration district in which neither party resides) is amended in accordance with sub-paragraphs (2) and (3).

- (2) After subsection (3) insert—

“(3A) In a case where one or both of the persons to be married (“the couple”) are not relevant nationals, a superintendent registrar may issue a certificate

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for the solemnization of a marriage in a qualifying church or chapel, notwithstanding that it is not within a registration district in which either of the couple resides.

(3B) In subsection (3A) “qualifying church or chapel” means a church or chapel which is not the usual place of worship of the couple but in which it would be possible—

- (a) (if section 5(3)(a) were disregarded) for the marriage of the couple to be solemnized in accordance with section 5(1)(a) (marriage after publication of banns), or
- (b) (if section 5(3)(b) were disregarded) for the marriage of the couple to be solemnized in accordance with section 5(1)(c) (marriage on authority of common licence).”.

(3) After subsection (5) insert—

“(6) Where a marriage is intended to be solemnized on the authority of certificates of a superintendent registrar issued under subsection (3A), each notice of marriage given to the superintendent registrar and each certificate issued by the superintendent registrar shall state, in addition to the description of the church or chapel in which the marriage is to be solemnized, that it would be possible for the marriage of the couple to be solemnized in that church or chapel after the publication of banns or on the authority of a common licence (if section 5(3) were disregarded).”.

(4) Omit section 38.

One party resident in Scotland

13 In section 37 (one party resident in Scotland), in subsection (1)(b), for the words from “with” to “Act” (in the first place) substitute “with section 27 and the other provisions of this Act”.

Proof of certain matters not necessary to validity of marriages

14 In section 48 (proof of certain matters not necessary to validity of marriages), in subsection (1)—

- (a) omit the word “or” at the end of paragraph (e) (inserted by paragraph 14(c) of Schedule 7 to the Marriage (Same Sex Couples) Act 2013);
- (b) at the end of paragraph (ea) (inserted by that provision of the Marriage (Same Sex Couples) Act 2013) insert “or
 - (eb) that, in the case of a marriage to which Schedule 3A applied, any of the events listed in paragraph 2(2) to (6) of that Schedule occurred.”.

Regulations etc

15 In section 74 (regulations), after subsection (2) insert—

“(3) Any order or regulations made under this Act may make different provision for different cases.”.

Offences

- 16 In section 75 (offences relating to solemnization of marriages), in subsection (3)(a), for “15 days” substitute “28 days”.

Relevant nationals

- 17 In section 78 (interpretation of the 1949 Act), in subsection (1), after the definition of “registration district” insert—
- ““relevant national” means—
- (a) a British citizen,
 - (b) a national of an EEA State other than the United Kingdom, or
 - (c) a national of Switzerland;”.

PART 2

CIVIL PARTNERSHIP

Introduction

- 18 The Civil Partnership Act 2004 is amended in accordance with this Part of this Schedule.

Supply of additional information and evidence

- 19 (1) Section 8 (notice of proposed civil partnership and declaration) is amended in accordance with this paragraph.
- (2) In subsection (4), after paragraph (b) insert—
- “(c) that the proposed civil partner believes all of the information stated in the notice, and all information and evidence supplied with the notice, is true.”.
- (3) After subsection (5) insert—
- “(5A) Subsection (5) is subject to section 9F.”.
- 20 After section 8 insert—

“8A Additional information if party not relevant national

- (1) This section applies to notice of proposed civil partnership given to a registration authority in accordance with section 8 if one, or each, of the parties to the proposed civil partnership is not a relevant national.
- (2) But this section does not apply if Schedule 3 applies to the proposed civil partnership.
- (3) For each party to the proposed civil partnership who is not a relevant national, the notice must include whichever of statements A, B or C is applicable to that person.
- (4) Statement A is a statement that the person has the appropriate immigration status.

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- (5) Statement B is a statement that the person holds a relevant visa in respect of the proposed civil partnership.
- (6) Statement C is a statement that the person neither—
- (a) has the appropriate immigration status, nor
 - (b) holds a relevant visa in respect of the proposed civil partnership.
- (7) If the notice contains the statement referred to in the first column of an entry in this table, the notice must be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed civil partnership)—

<i>If the notice includes this statement...</i>	<i>...the notice must be accompanied by...</i>
Statement A (in respect of one or both of the parties to the proposed civil partnership)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed civil partnership)	<ol style="list-style-type: none"> 1. For each party, a specified photograph of that party 2. For each party in respect of whom statement B is made, details of the relevant visa which that party has
Statement C (in respect of one or both of the parties to the proposed civil partnership)	<ol style="list-style-type: none"> 1. For each party, a specified photograph of that party 2. For each party, the usual address of that party 3. For each party whose usual address is outside the United Kingdom, an address in the United Kingdom at which that party can be contacted by post 4. For each party who has previously used any name or names other than the person's name stated in the notice of proposed civil partnership in accordance with regulations under section 8(2), a statement of the other name or names 5. For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases

- (8) If the notice contains more than one of statements A, B and C, subsection (7) must be complied with in relation to each of those statements; but where the notice contains statements B and C, subsection (7) does not require the notice to be accompanied by more than one specified photograph of each party.
- (9) If the notice includes statement C for a party to the proposed civil partnership—

- (a) the notice may be accompanied by a statement (“statement D”) of that person’s immigration position in the United Kingdom;
- (b) if the notice is accompanied by statement D for a party to the proposed civil partnership, the person may provide the registration authority with details of his or her immigration position in the United Kingdom; and
- (c) if any such details are provided, the registration authority must record them.

(10) In this section—

- (a) a reference—
 - (i) to a person having the appropriate immigration status, or
 - (ii) to a person holding a relevant visa,
 has the same meaning as in section 49 of the Immigration Act 2014;
- (b) a reference to the particular immigration status which a person has is a reference to the immigration status set out in any of paragraphs (a) to (c) of section 49(2) of that Act which the person has;
- (c) a reference to a person’s immigration position in the United Kingdom includes a reference to the person’s not being entitled to be in the United Kingdom.

(11) In this section “specified photograph” means a photograph that is in accordance with regulations made under section 9E (and for this purpose “photograph” includes other kinds of images).”.

21 For section 9 substitute—

“9 Evidence

- (1) A notice of proposed civil partnership under section 8 must, in relation to each of the parties to the civil partnership, be accompanied by specified evidence of the following matters—
 - (a) the person’s name and surname;
 - (b) the person’s date of birth;
 - (c) the person’s place of residence;
 - (d) the person’s nationality.
- (2) A person giving a notice of proposed civil partnership under section 8 must provide the registration authority to which the notice is given with specified evidence—
 - (a) as to whether the person has previously formed a civil partnership or been married; and
 - (b) if so, as to the ending of the civil partnership or marriage.
- (3) In this section “specified evidence” means evidence that is in accordance with regulations made under section 9E.

9A Additional evidence if party not relevant national

- (1) This section applies to notice of proposed civil partnership given to a registration authority in accordance with section 8 if one, or each, of the parties to the proposed civil partnership is not a relevant national.

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- (2) If the notice includes statement A (referred to in section 8A(4)), and accordingly is accompanied by details of the particular immigration status which a party to the proposed civil partnership has, the notice must be accompanied by specified evidence of that status.
- (3) If the notice includes statement B (referred to in section 8A(5)), the notice must be accompanied by specified evidence of the holding of the relevant visa by the party to the proposed civil partnership.
- (4) If, in accordance with section 8A(7), the notice is accompanied by the usual address of a party to the proposed civil partnership, the notice must also be accompanied by specified evidence that it is that party's usual address.
- (5) If the notice includes statement D (referred to in section 8A(9)), the notice may be accompanied by evidence of the person's immigration position in the United Kingdom.
- (6) If subsection (2) or (3) applies to the notice, and the notice is not accompanied by the specified evidence required by that subsection, the notice must be accompanied by—
 - (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in section 8A(7);
 - (b) as respects the usual address of each party that is provided in accordance with paragraph (a), specified evidence that the address provided is that party's usual address; and
 - (c) addresses, names and aliases of the kinds referred to in paragraphs 3 to 5 in the relevant entry in section 8A(7) (insofar as those paragraphs are applicable to the parties to the proposed civil partnership).
- (7) In this section—

“relevant entry in section 8A(7)” means the second column of the last entry in the table in section 8A(7);

“specified evidence” means evidence that is in accordance with regulations made under section 9E.

9B Change of usual address or UK contact address

- (1) The Secretary of State may, by regulations, make provision about the giving to the Secretary of State of—
 - (a) notice of a person's usual address, if the person's notified usual address changes;
 - (b) notice of a UK contact address, if the person's notified usual address is not in the United Kingdom;
 - (c) notice of a person's UK contact address, if the person's notified UK contact address changes;
 - (d) evidence of any address notified in accordance with regulations under paragraph (a), (b) or (c).
- (2) The provision that may be made in regulations under this section includes—
 - (a) provision imposing a requirement on a person;

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- (b) provision about the rejection of information or evidence which there are reasonable grounds to suspect to be false.
- (3) Regulations under subsection (1)(d) may, in particular, make any provision of the kind that may be made under section 9E(3).
- (4) In this section—
 - “notified UK contact address” means an address in the United Kingdom, at which a person can be contacted by post, that has been notified in accordance with—
 - (a) section 8A(7) or 9A(6), or
 - (b) regulations under this section;
 - “notified usual address” means the usual address of a person that has been notified in accordance with—
 - (a) section 8A(7) or 9A(6), or
 - (b) regulations under this section.

9C Rejection of false information or evidence

- (1) A registration authority may reject—
 - (a) any information or photograph provided under section 8, 8A or 9A, or
 - (b) any evidence provided under section 9 or 9A,if (in particular) the registration authority has reasonable grounds for suspecting that the information, photograph or evidence is false.
- (2) If the registration authority rejects any information, photograph or evidence, the registration authority may proceed under this Act as if the rejected information, photograph or evidence had not been provided.
- (3) This section does not limit the powers of registration authorities to reject anything provided under any other enactment.

9D Amendment of notice and evidence provisions

- (1) The Secretary of State may by order—
 - (a) amend section 8A or 9A so as to vary the information that must or may be given in cases where that section applies;
 - (b) amend section 9 or 9A so as to vary the matters in respect of which specified evidence must or may be given in cases where that section applies;
 - (c) make such provision (including provision amending section 9B or 9E or any other enactment) as the Secretary of State considers appropriate in consequence of provision made under paragraph (a) or (b).
- (2) The Secretary of State must consult the Registrar General before making an order under this section.

9E Specified evidence

- (1) The Registrar General may make regulations about the evidence that is required to be given for the purposes of section 9.
- (2) The Secretary of State may make regulations about the evidence that is required to be given for the purposes of section 9A.
- (3) Regulations under this section may, in particular, make provision about—
 - (a) the kind of evidence which is to be supplied;
 - (b) the form in which evidence is to be supplied;
 - (c) the manner in which evidence is to be supplied;
 - (d) the period within which evidence is to be supplied;
 - (e) the supply of further evidence;
 - (f) the sufficiency of evidence supplied;
 - (g) the consequences of failing to supply sufficient evidence in accordance with the regulations (including provision to secure that, in such a case, a particular decision is made or is to be treated as having been made);
 - (h) the retention or copying of evidence supplied.
- (4) In this section “evidence” includes a photograph or other image.
- (5) The Registrar General must obtain the approval of the Secretary of State before making regulations under this section.
- (6) The Secretary of State must consult the Registrar General before making regulations under this section.

9F Recording of information in the register: compliance with requirements

The registration authority must not enter in the register the information relating to a proposed civil partnership mentioned in section 8(5) in a case where any of the requirements imposed by or under any of the following provisions of this Act is applicable but is not complied with—

- section 8A(3) to (7);
- section 8A(8);
- section 9(1);
- section 9A(4) or (6);
- section 18(3);
- section 19(3);
- paragraph 5(1) of Schedule 1;
- paragraph 4 of Schedule 23.”.

Notice period

- 22 In section 11 (meaning of “the waiting period”), for “15” substitute “28”.
- 23 (1) Section 12 (power to shorten the waiting period) is amended in accordance with this paragraph.
- (2) In subsection (1), for “15” substitute “28”.

(3) After subsection (3) insert—

“(4) If a proposed civil partnership is referred to the Secretary of State under section 12A—

- (a) any application under subsection (1) is to be made to the Secretary of State; and
- (b) the power conferred by subsection (1) is exercisable by the Secretary of State.

(5) If the Secretary of State grants an application made under subsection (1), the Secretary of State must give notice of the grant of the application to—

- (a) the applicant,
- (b) the registration authority to which notice of the proposed civil partnership was given, and
- (c) if different, the registration authority responsible for issuing the civil partnership schedule under section 14(1) in relation to the proposed civil partnership.

(6) Regulations under subsection (2) do not apply to applications made to the Secretary of State in accordance with subsection (4).

(7) The Secretary of State may by regulations make provision with respect to the making, and granting, of applications made in accordance with subsection (4).

(8) The Secretary of State must consult the Registrar General before making regulations under subsection (7).”.

Referral to Secretary of State

24 After section 12 insert—

“12A Referral of proposed civil partnership to Secretary of State

(1) On every occasion when notice of proposed civil partnership is given under section 8, the registration authority must decide whether or not each of the parties to the proposed civil partnership is an exempt person.

(2) But this section does not apply if Schedule 3 applies to the proposed civil partnership.

(3) In making a decision under subsection (1) about a party to a proposed civil partnership, a registration authority may rely on any advice given in relation to that decision by the Secretary of State.

(4) In a case where—

- (a) section 8A applies to the notice of proposed civil partnership, and
- (b) specified evidence required by section 9A(2) or (3) in relation to a party to the proposed civil partnership is not produced in accordance with that section,

the registration authority must decide that that party to the proposed civil partnership is not an exempt person.

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- (5) If the registration authority decides that either of the parties is not an exempt person, or that both of the parties are not exempt persons, the registration authority must—
- (a) refer the proposed civil partnership to the Secretary of State;
 - (b) notify the parties to the proposed civil partnership that the proposed civil partnership must be referred to the Secretary of State;
 - (c) give the parties to the proposed civil partnership prescribed information about—
 - (i) the effects of the referral;
 - (ii) the requirement under regulations under section 9B to notify the Secretary of State of changes of address.
- (6) The registration authority must act in accordance with regulations when complying with the duty in subsection (5)(a) to refer a proposed civil partnership to the Secretary of State.
- (7) Regulations may, in particular, make provision about—
- (a) the form, manner or timing of the referral of a proposed civil partnership;
 - (b) information, photographs or evidence — or copies of any of those things — to be included with the referral of a proposed civil partnership.
- (8) If the registration authority refers the proposed civil partnership to the Secretary of State, this Act has effect in relation to the proposed civil partnership subject to the modifications in Schedule 3A.
- (9) In this section—
- (a) a reference to a person being an exempt person has the same meaning as in section 49 of the Immigration Act 2014;
 - (b) “prescribed information” means information prescribed in regulations;
 - (c) “regulations” means regulations made by the Secretary of State after consulting the Registrar General.”.

25 After Schedule 3 insert—

“SCHEDULE
3A

MODIFICATIONS IF PROPOSED CIVIL PARTNERSHIP REFERRED UNDER SECTION 12A

1 Introduction

- (1) These are the modifications subject to which this Act has effect if the registration authority refers a proposed civil partnership to the Secretary of State.
- (2) In this Schedule—
- “2014 Act” means the Immigration Act 2014;
- “referred civil partnership” means the proposed civil partnership referred to the Secretary of State.

2 No civil partnership schedule to be issued until decision about investigation etc

- (1) The duty under section 14(1) to issue a civil partnership schedule in respect of the referred civil partnership does not apply unless and until one of the following events occurs.
- (2) Event 1 occurs if—
 - (a) the Secretary of State gives the registration authority or authorities the section 48 notice, and
 - (b) that notice is of a decision not to investigate whether the referred civil partnership is a sham.
- (3) Event 2 occurs if—
 - (a) the relevant statutory period ends, and
 - (b) the Secretary of State has not given the registration authority or authorities the section 48 notice.
- (4) Event 3 occurs if—
 - (a) the Secretary of State gives the registration authority or authorities the section 48 notice,
 - (b) that notice is of a decision to investigate whether the referred civil partnership is a sham,
 - (c) the Secretary of State gives the registration authority or authorities the section 50 notice, and
 - (d) that notice is of a decision that both of the parties to the referred civil partnership have complied with the investigation.
- (5) Event 4 occurs if—
 - (a) the 70 day period ends, and
 - (b) the Secretary of State has not given the registration authority or authorities the section 50 notice.
- (6) Event 5 occurs if the Secretary of State gives the registration authority or authorities notice that the duty under section 14(1) is applicable.
- (7) The Secretary of State may give a notice for that purpose only if—
 - (a) the Secretary of State has given the registration authority or authorities the section 48 notice,
 - (b) that notice is of a decision to investigate whether the referred civil partnership is a sham,
 - (c) the Secretary of State has given the registration authority or authorities the section 50 notice, and
 - (d) that notice is of a decision that one or both of the parties to the referred civil partnership have not complied with the investigation.
- (8) This paragraph applies in addition to any other requirements applicable to the issue of the civil partnership schedule.
- (9) This paragraph is subject to paragraph 4.
- (10) In this paragraph—

Status: This is the original version (as it was originally enacted).

“70 day period” has the same meaning as in section 50 of the 2014 Act;

“relevant statutory period” has the same meaning as in section 48 of the 2014 Act;

“section 48 notice” means notice under section 48(8) of the 2014 Act;

“section 50 notice” means notice under section 50(7) of the 2014 Act.

3 Civil partnership to be investigated: extension of waiting period to 70 days

- (1) The modifications in this paragraph have effect if the Secretary of State gives the registration authority notice under section 48(8) of the 2014 Act of a decision to investigate whether the referred civil partnership is a sham.
- (2) Section 11(b): the reference to the period of 28 days has effect as a reference to the relevant 70 day period.
- (3) But, for the purposes of section 10, the waiting period is not extended by sub-paragraph (2).
- (4) In this paragraph “relevant 70 day period” means the period—
 - (a) beginning the day after notice of the proposed civil partnership is recorded in the register in accordance with section 8(5), and
 - (b) ending at the end of the period of 70 days beginning with that day.

4 Effect of shortening waiting period

- (1) This paragraph applies if—
 - (a) the Secretary of State gives notice under section 12(5) of the grant of an application made under section 12(1) (power to shorten the waiting period) in relation to the referred civil partnership, and
 - (b) that notice is given at a time when the duty under section 14(1) to issue a civil partnership schedule in respect of the referred civil partnership has not arisen in accordance with paragraph 2.
- (2) The duty under section 14(1) to issue a civil partnership schedule in respect of the referred civil partnership arises on the giving of the notice under section 12(5), subject to any other requirements applicable to the issue of the schedule being met.
- (3) But the requirements of paragraph 2 are not applicable in such a case.
- (4) The Secretary of State is not prevented from deciding to conduct, conducting, or continuing, an investigation if a schedule in respect of the referred civil partnership is issued as mentioned in sub-paragraph (2).
- (5) But in such a case, nothing in the 2014 Act requires the Secretary of State to decide whether to conduct, or to continue, an investigation.
- (6) In this paragraph “investigation” means an investigation, conducted following a decision by the Secretary of State under section 48 of the 2014 Act, whether a proposed civil partnership is a sham.”.

Civil partnership referred to Secretary of State: issue of civil partnership schedule

26 (1) In section 14 (issue of civil partnership schedule), at the end insert—

“(6) This section has effect subject to section 14A.”.

(2) After section 14 insert—

“14A Notice of proposed civil partnership: false information or evidence

(1) A registration authority may refuse to issue a civil partnership schedule under section 14(1) in a case where—

- (a) notice of a proposed civil partnership has been given under section 8, and
- (b) a registration authority has reasonable grounds for suspecting that a relevant decision was made incorrectly because of the provision of false information or evidence.

(2) If a registration authority refuses to issue the schedule, the parties to the proposed civil partnership are to be taken not to have given notice under section 8; but that does not prevent criminal proceedings from being brought against either party, or any other person, in relation to the giving of the notice.

(3) This section does not limit the powers of registration authorities to refuse to issue civil partnership schedules.

(4) In this section—

“evidence” includes a photograph or other image;

“exempt person” has the same meaning as in section 12A;

“relevant decision” means a decision of a registration authority that a party to the proposed civil partnership is an exempt person.”.

(3) In section 15 (appeal against refusal to issue civil partnership schedule)—

- (a) in subsection (1)(b), after “14(3)” insert “or 14A”;
- (b) after subsection (2) insert—

“(3) In a case where—

(a) in reliance on section 14A, a registration authority refuses to issue a civil partnership schedule, and

(b) on an appeal against the refusal, the Registrar General directs that a civil partnership schedule be issued,

section 14A(2) is of no effect — and is to be taken to have never had any effect — in relation to the parties’ giving of notice under section 8.”.

(4) In section 16 (frivolous objections and representations: liability for costs etc)—

- (a) in the title, after “**representations**” insert “**and appeals**”;
- (b) after subsection (3) insert—

“(3A) If—

(a) in reliance on section 14A, a registration authority refuses to issue a civil partnership schedule, and

(b) on an appeal against the refusal, the Registrar General declares that the appeal is frivolous,

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- the person making the appeal is liable for the costs of the proceedings before the Registrar General.”;
- (c) in subsection (4), for “such costs and damages” substitute “costs and damages in accordance with subsection (3) or (3A)”.

Relevant nationals

27 After section 30 insert—

“30A Relevant nationals

In this Chapter “relevant national” means—

- (a) a British citizen,
 (b) a national of an EEA State other than the United Kingdom, or
 (c) a national of Switzerland.”.

Regulations and orders

- 28 (1) Section 36 (regulations and orders) is amended in accordance with this paragraph.
 (2) In subsection (3), after “6A” insert “9B, 9E(2), 12(7) or 12A”.
 (3) In subsection (5), after “6A” insert “9B, 9E(2) or 12A”.
 (4) In subsection (6), after “section” insert “9D or”.

Proof of certain matters not necessary to validity of civil partnership

- 29 In section 52 (proof of certain matters not necessary to validity of civil partnership), in subsection (1)—
- (a) omit the word “or” at the end of paragraph (a);
 (b) at the end of paragraph (aa) insert “or
 (ab) that, in the case of a civil partnership to which Schedule 3A applied, any of the events listed in paragraph 2(2) to (6) of that Schedule occurred.”.

SCHEDULE 5

Section 54

SHAM MARRIAGE AND CIVIL PARTNERSHIP: ADMINISTRATIVE REGULATIONS

Introduction

- 1 (1) This Schedule sets out the kinds of regulations which may be made by the Secretary of State under section 54(2).
 (2) In this Schedule—
 “extension order” has the meaning given in section 54(1);
 “proposed Scottish or Northern Ireland marriage or civil partnership” means a proposed marriage or civil partnership under the law of Scotland or Northern Ireland.

Notices

- 2 (1) The Secretary of State may make regulations which make provision about the giving of relevant notices.
- (2) Regulations under this paragraph may, in particular, provide that a relevant notice given in accordance with the regulations is to be presumed to have been received by the person to whom it is given.
- (3) In this paragraph “relevant notice” means—
- (a) a notice, under any provision of the referral and investigation scheme, which relates to a proposed Scottish or Northern Ireland marriage or civil partnership, and
 - (b) any other notice relating to the referral of a proposed Scottish or Northern Ireland marriage or civil partnership to the Secretary of State for the purposes of the referral and investigation scheme,
- (whether or not the notice falls to be given by virtue of provision made by an extension order).

Evidence

- 3 (1) The Secretary of State may make regulations about the supply of evidence in accordance with a relevant evidence provision.
- (2) Regulations under this paragraph may, in particular, make provision about—
- (a) the kind of evidence which is to be supplied;
 - (b) the form in which evidence is to be supplied;
 - (c) the manner in which evidence is to be supplied;
 - (d) the period within which evidence is to be supplied;
 - (e) the supply of further evidence;
 - (f) the sufficiency of evidence supplied;
 - (g) the consequences of failing to supply sufficient evidence in accordance with the regulations (including provision to secure that, in such a case, a particular decision is made or is to be treated as having been made);
 - (h) the retention or copying of evidence supplied.
- (3) In this paragraph—
- “evidence” includes a photograph or other image;
 - “relevant evidence provision” means provision (whether or not made by an extension order) about the supply of evidence in relation to a proposed Scottish or Northern Ireland marriage or civil partnership in a case where one or both of the parties is not a relevant national.

Change of address

- 4 (1) The Secretary of State may, by regulations, make provision about the giving to the Secretary of State of—
- (a) notice of a relevant person’s usual address, if the person’s notified usual address changes;
 - (b) notice of a relevant person’s UK contact address, if the person’s notified usual address is not in the United Kingdom;

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- (c) notice of a relevant person’s UK contact address, if the person’s notified UK contact address changes;
 - (d) evidence of any address notified in accordance with regulations under paragraph (a), (b) or (c).
- (2) Regulations under this paragraph may, in particular, make—
- (a) provision imposing a requirement on a person;
 - (b) provision about the rejection of information or evidence which there are reasonable grounds to suspect to be false.
- (3) Regulations under sub-paragraph (1)(d) may, in particular, make any provision of the kind that may be made under paragraph 3(2).
- (4) In this paragraph—
- “notified”, in relation to an address of a relevant person, means notified (whether to the Secretary of State or another person) in connection with the proposed Scottish or Northern Ireland marriage or civil partnership (including any such address notified in accordance with provision made by an extension order or regulations made under this paragraph);
- “relevant person” means a person who is a party to a proposed Scottish or Northern Ireland marriage or civil partnership in a case where that person or the other party is not a relevant national (or both of them are not relevant nationals);
- “UK contact address” means an address in the United Kingdom at which a person can be contacted by post.

Referral

- 5 (1) The Secretary of State may make regulations requiring a person to act in accordance with the regulations when complying with a duty of referral.
- (2) The regulations may, in particular, make provision about—
- (a) the form, manner or timing of the referral;
 - (b) information, photographs or evidence — or copies of any of those things — to be included with the referral.
- (3) The Secretary of State may make regulations requiring a person who refers a proposed marriage or civil partnership in accordance with a duty of referral to give the parties to the proposed marriage or civil partnership information prescribed in the regulations about—
- (a) the effects of the referral;
 - (b) any requirements under regulations under paragraph 4 to notify the Secretary of State of changes of address.
- (4) In this paragraph—
- “duty of referral” means a duty (whether or not contained in provision made by an extension order) to refer a proposed Scottish or Northern Ireland marriage or civil partnership to the Secretary of State for the purposes of the referral and investigation scheme;
- “referral” means the referral of a proposed Scottish or Northern Ireland marriage or civil partnership under a duty of referral.

Applications for shortening of waiting period

- 6 (1) The Secretary of State may make regulations about the making, and granting, of applications for the shortening of a waiting period in cases where a proposed Scottish or Northern Ireland marriage or civil partnership is referred to the Secretary of State in accordance with a duty of referral.
- (2) Regulations may be made under this paragraph—
- (a) whether the application falls to be made by virtue of provision made by an extension order or otherwise;
 - (b) whether the application falls to be made to the Secretary of State or another person.
- (3) In this paragraph—
- “duty of referral” has the same meaning as in paragraph 5;
 - “waiting period”, in relation to a proposed Scottish or Northern Ireland marriage or civil partnership, means a period during which it is not possible for the marriage to be solemnized or civil partnership to be formed (but which falls after notice of the proposed marriage or civil partnership has been given for the purposes of enabling it to be solemnized or formed in due course).

SCHEDULE 6

Section 59

INFORMATION

PART 1

DISCLOSURE OF INFORMATION ETC WHERE PROPOSED MARRIAGE
OR CIVIL PARTNERSHIP REFERRED TO SECRETARY OF STATE

- 1 (1) This paragraph applies if—
- (a) a superintendent registrar refers a proposed marriage to the Secretary of State under section 28H of the Marriage Act 1949, or
 - (b) a registration authority refers a proposed civil partnership to the Secretary of State under section 12A of the Civil Partnership Act 2004.
- (2) The Secretary of State may—
- (a) disclose relevant information to a registration official, or
 - (b) supply a document containing relevant information to a registration official.
- (3) In this paragraph “relevant information” means any of the following information—
- (a) the fact that the proposed marriage or civil partnership has been referred to the Secretary of State;
 - (b) the names of the parties to the proposed marriage or civil partnership;
 - (c) in the case of a proposed marriage—
 - (i) any information included with the referral in accordance with regulations under section 28H of the Marriage Act 1949;

Status: This is the original version (as it was originally enacted).

- (ii) any address of a party to the proposed marriage notified to the Secretary of State in accordance with such regulations or regulations under section 28D of the Marriage Act 1949;
- (d) in the case of a proposed civil partnership—
 - (i) any information included with the referral in accordance with regulations under section 12A of the Civil Partnership Act 2004;
 - (ii) any address of a party to the proposed civil partnership notified to the Secretary of State in accordance with such regulations or regulations under section 9B of the Civil Partnership Act 2004;
- (e) details of any immigration enforcement action taken by the Secretary of State in respect of a party to the proposed marriage or civil partnership (including any action taken after solemnization of the marriage or formation of the civil partnership);
- (f) details of any immigration decision taken wholly or partly by reference to the marriage or civil partnership (whether while it was proposed or after it was solemnized or formed).

PART 2

DISCLOSURE OF INFORMATION ETC FOR IMMIGRATION PURPOSES ETC

Disclosures by registration officials

- 2 (1) A registration official may—
- (a) disclose any information held by the registration official, or
 - (b) supply any document held by the registration official,
- to the Secretary of State, or to another registration official, for use for either of the following purposes.
- (2) Those purposes are—
- (a) immigration purposes;
 - (b) purposes connected with the exercise of functions relating to—
 - (i) the referral of proposed marriages to the Secretary of State under section 28H of the Marriage Act 1949, or
 - (ii) the referral of proposed civil partnerships to the Secretary of State under section 12A of the Civil Partnership Act 2004.
- (3) In this paragraph “immigration purposes” means—
- (a) the administration of immigration control under the Immigration Acts;
 - (b) the prevention, detection, investigation or prosecution of criminal offences relating to immigration;
 - (c) the imposition of penalties or charges under Part 3 of the Immigration and Asylum Act 1999;
 - (d) the provision of support for asylum-seekers and their dependants under Part 6 of that Act;
 - (e) such other purposes as may be specified by the Secretary of State by order.
- 3 A registration official may disclose to another registration official—

Status: This is the original version (as it was originally enacted).

- (a) the fact that a suspicion about a marriage or civil partnership has been reported to the Secretary of State under section 24 or 24A of the Immigration and Asylum Act 1999, and
 - (b) the content of any such report,
- (whether or not the suspicion was reported by the registration official making the disclosure).

Disclosures by the Secretary of State

- 4 (1) The Secretary of State may—
- (a) disclose any information held by the Secretary of State, or
 - (b) supply any document held by the Secretary of State,
- to a registration official for use for verification purposes.
- (2) In this paragraph “verification purposes” means—
- (a) assisting in the verification of information provided to a relevant official by a person giving—
 - (i) notice of marriage under section 27 of the Marriage Act 1949, or
 - (ii) notice under section 8 of the Civil Partnership Act 2004;
 - (b) assisting in the verification of the immigration status of a person who contacts a relevant official in connection with the exercise of a function by a registration official;
 - (c) assisting in the verification of whether a person who contacts a relevant official in connection with the exercise of a function by a registration official—
 - (i) is suspected of involvement in crime relating to immigration, or
 - (ii) has been convicted of an offence relating to immigration.
- (3) In this paragraph “relevant official” means—
- (a) a registration official, or
 - (b) any other person employed to assist the exercise of functions by registration officials.

PART 3

DISCLOSURE OF INFORMATION ETC FOR PREVENTION OF CRIME ETC

- 5 (1) A registration official may—
- (a) disclose any information held by the registration official, or
 - (b) supply any document held by the registration official,
- to an eligible person, or to another registration official in England and Wales, for use for crime-fighting purposes.
- (2) Information is disclosed, or a document is supplied, for use for crime-fighting purposes if condition A and condition B are met.
- (3) Condition A is met if the registration official disclosing the information or supplying the document has reasonable grounds for suspecting that a criminal offence has been, is being, or is going to be committed.

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- (4) Condition B is met if the registration official discloses the information or supplies the document for use for one or both of these purposes—
- (a) assisting in the verification of information supplied to that or any other registration official;
 - (b) assisting in the prevention, detection, investigation or prosecution of a criminal offence.
- (5) In this section “eligible person” means—
- (a) the Secretary of State;
 - (b) the Commissioners for Her Majesty’s Revenue and Customs;
 - (c) a member of a police force operating in England and Wales or any part of it;
 - (d) a county council, a district council or a county borough council;
 - (e) the Greater London Authority, a London borough council or the Common Council of the City of London.

PART 4

GENERAL PROVISIONS

Limitations on powers

- 6 This Schedule does not authorise—
- (a) a disclosure, in contravention of any provisions of the Data Protection Act 1998, of personal data which are not exempt from those provisions, or
 - (b) a disclosure which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

No breach of confidentiality etc

- 7 A disclosure of information which is authorised by this Schedule does not breach—
- (a) an obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).

Retention, copying and disposal of documents

- 8 A person to whom a document is supplied under any provision of this Schedule may—
- (a) retain the document;
 - (b) copy the document;
 - (c) dispose of the document in such manner as the person thinks appropriate.

Saving for existing powers

- 9 This Schedule does not limit any other power under which—
- (a) information may be disclosed, or
 - (b) documents may be supplied.

Meaning of “registration official”

- 10 A “registration official” is any of the following—
- (a) the Registrar General;
 - (b) a superintendent registrar;
 - (c) a registrar;
 - (d) a registration authority or a person exercising the functions of a registration authority;
 - (e) a civil partnership registrar (within the meaning of Chapter 1 of Part 2 of the Civil Partnership Act 2004 — see section 29 of that Act).

SCHEDULE 7

Section 63

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

Introductory

- 1 Part 5 of the Immigration and Asylum Act 1999 (which makes provision for the regulation of immigration advisers and immigration service providers) is amended in accordance with this Schedule.

Removal of Commissioner’s power of exemption from registration

- 2 (1) In section 84(4) (persons exempt from prohibition on provision of immigration advice and services by unqualified persons)—
- (a) omit paragraphs (a), (b) and (c) (and the word “or” which follows paragraph (c));
 - (b) in paragraph (d) omit “who”.
- (2) Omit the following provisions—
- (a) section 84(5) and (7);
 - (b) section 85(2);
 - (c) section 87(3)(b);
 - (d) section 88(2)(c);
 - (e) section 89(4);
 - (f) paragraph 6(3)(b) and 9(1)(d) of Schedule 5;
 - (g) paragraph 6(3)(a) of Schedule 6.

Waiver of fees for registration

- 3 (1) Paragraph 5 of Schedule 6 (fees for registration) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) after “order” insert “(a)”;
 - (b) at the end insert—
 - “(b) make provision for, and in connection with, requiring or authorising the Commissioner to waive all or part of the specified fee in particular cases.”

Status: This is the original version (as it was originally enacted).

- (3) In sub-paragraph (2) at the end insert “(but this is subject to any waiver in accordance with provision under sub-paragraph (1)(b))”.

Cancellation of registration by Commissioner

- 4 (1) In section 87(3) (decisions of Commissioner which may be appealed to First-tier Tribunal) after paragraph (ea) insert—
“(eb) to cancel a registration under paragraph 4A(e) of that Schedule.”
- (2) In paragraph 9 of Schedule 5 (powers of Commissioner on determining a complaint)—
—
(a) omit sub-paragraph (1)(b);
(b) after sub-paragraph (1A) (inserted by paragraph 7(4) of this Schedule) insert—
“(1B) Sub-paragraph (1)(a) is subject to paragraph 4A(e) of Schedule 6 (duty of Commissioner to cancel registration of a person who is no longer competent or is otherwise unfit).”
- (3) In paragraph 3 of Schedule 6 (applications for continued registration)—
(a) omit sub-paragraph (5);
(b) in sub-paragraph (6) for “Otherwise,” substitute “Unless the Commissioner is required by paragraph 4A to cancel the applicant’s registration”;
(c) in sub-paragraph (7)(a) omit “or by a direction given by the First-tier Tribunal under section 89(2)(b)”.
- (4) In Schedule 6 (registration) after paragraph 4 insert—

“Further provision for the cancellation of registration

- 4A The Commissioner must cancel a person’s registration if—
(a) the person asks for it to be cancelled;
(b) the person dies (in a case where the person is an individual) or is dissolved or wound up (in any other case);
(c) the person is convicted of an offence under section 25 or 26(1)(d) or (g) of the 1971 Act;
(d) under section 89(2A)(b) the First-tier Tribunal directs the Commissioner to cancel the person’s registration; or
(e) the Commissioner considers that the person is no longer competent or is otherwise unfit to provide immigration advice or immigration services.”

Suspension of registration

- 5 (1) In section 84(3) (limitations on effect of registration)—
(a) after “subject to” insert “(a)”;
(b) at the end insert—
“(b) paragraph 4B(5) of that Schedule (effect of suspension of registration).”
- (2) In section 87(4) (further functions of First-tier Tribunal)—

Status: This is the original version (as it was originally enacted).

- (a) for “a further function” substitute “further functions”;
 - (b) at the end insert “and paragraph 4B of Schedule 6 (suspension of registration by First-tier Tribunal)”.
- (3) After paragraph 4A of Schedule 6 (inserted by paragraph 4(4) of this Schedule) insert—

“Suspension of registration

- 4B (1) The First-tier Tribunal may, on an application made to it by the Commissioner, suspend a person’s registration if the person is for the time being charged with—
- (a) an offence involving dishonesty or deception;
 - (b) an indictable offence; or
 - (c) an offence under section 25 or 26(1)(d) or (g) of the 1971 Act.
- (2) The suspension of the person’s registration ceases to have effect if one of these occurs—
- (a) the person is acquitted of the offence;
 - (b) the charge is withdrawn;
 - (c) proceedings in respect of the charge are discontinued;
 - (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted *pro loco et tempore*.
- (3) If the person is convicted of an offence under section 25 or 26(1)(d) or (g) of the 1971 Act, the suspension of the person’s registration continues to have effect until the Commissioner cancels the person’s registration (as required by paragraph 4A(c)).
- (4) If the person is convicted of any other offence within subparagraph (1)—
- (a) the Commissioner must as soon as reasonably practicable consider whether the person is no longer competent or is otherwise unfit to provide immigration advice or immigration services (so that the person’s registration must be cancelled under paragraph 4A(e));
 - (b) the suspension of the person’s registration continues to have effect until the Commissioner either cancels the person’s registration, or decides that the person is competent and otherwise fit to provide immigration advice and immigration services.
- (5) A person whose registration is suspended is not to be treated as a registered person for the purposes of section 84 (but is to be treated as a registered person for the purposes of the other provisions of this Part).
- (6) Where a person’s registration is suspended the Commissioner must as soon as reasonably practicable record the suspension in the register.
- (7) Where a suspension ceases to have effect (and the person’s registration is not cancelled) the Commissioner must as soon as reasonably practicable remove the record of the suspension from the register.”

Status: This is the original version (as it was originally enacted).

Inspections

6 After paragraph 4 of Schedule 5 insert—

“Inspections

4A The Commissioner may carry out inspections of the activities and businesses of registered persons.”

Complaints and investigations

7 (1) For section 89(2) (powers of Tribunal on hearing charge against registered person) substitute—

“(2) Subsections (2A) and (2B) apply if the person charged was, at the time to which the charge relates, a registered person or a person acting on behalf of a registered person.

(2A) If the registered person mentioned in subsection (2) is still registered, the First-tier Tribunal may direct the Commissioner—

- (a) to record the charge and the First-tier Tribunal’s decision on it for consideration in connection with that person’s next application for continued registration;
- (b) to cancel that person’s registration.

(2B) If the registered person mentioned in subsection (2) is no longer registered, the First-tier Tribunal may direct the Commissioner to record the charge and the First-tier Tribunal’s decision on it for consideration in connection with any application by that person for registration.”

(2) In paragraph 5(3) of Schedule 5 (complaints which may be investigated by Commissioner)—

(a) before paragraph (a) insert—

“(za) the competence or fitness to provide immigration advice or immigration services of a person who, at the time to which the complaint relates, was a registered person,”;

(b) in paragraph (a) for “a person” substitute “any other person”;

(c) after paragraph (a) insert—

“(aa) the competence or fitness of a person who, at the time to which the complaint relates, was acting on behalf of a registered person,”;

(d) in paragraph (b) for the first “a person” substitute “any other person”;

(e) in paragraph (d) for “a person to whom they apply” substitute “a person who, at the time to which the complaint relates, was a registered person or a person acting on behalf of a registered person”.

(3) For paragraph 9(1)(a) of that Schedule (Commissioner’s powers on determining a complaint) substitute—

“(a) if the person to whom the complaint relates was at the time to which the complaint relates—

- (i) a registered person, or
- (ii) a person acting on behalf of a registered person,

Status: This is the original version (as it was originally enacted).

record the complaint and the decision on it to be considered in connection with the next relevant application;”.

(4) After paragraph 9(1) insert—

“(1A) In sub-paragraph (1)(a) “relevant application” means—

- (a) if the registered person referred to in that sub-paragraph is still registered, an application by that person for continued registration, and
- (b) otherwise, an application by that person for registration.”

(5) For paragraph 9(4) substitute—

“(4) Relevant person” means—

- (a) a person who, at the time to which the charge relates, was providing immigration advice or immigration services and was—
 - (i) a registered person, or
 - (ii) a person acting on behalf of a registered person;
- (b) a person providing immigration advice or immigration services who is—
 - (i) a person to whom section 84(4)(d) applies, or
 - (ii) a person employed by, or working under the supervision of, such a person.”

Power of entry and inspection

8 (1) Omit paragraph 7 of Schedule 5 (and the cross-heading before it).

(2) After paragraph 10 of that Schedule insert—

“Power of entry and inspection

- 10A (1) On an application made by the Commissioner a justice of the peace (or in Scotland, the sheriff) may issue a warrant authorising the Commissioner to enter premises.
- (2) A justice of the peace or sheriff may issue a warrant in respect of premises if satisfied that there are reasonable grounds for believing that—
- (a) the premises are being used, or have been used, in connection with the provision of immigration advice or immigration services by a registered person,
 - (b) entry to the premises is reasonably required for the exercise of any of the Commissioner’s functions, and
 - (c) entry to the premises may be prevented or delayed unless a warrant is produced.
- (3) The Commissioner may enter premises by virtue of this paragraph only at a reasonable hour.
- (4) Where the Commissioner enters premises by virtue of this paragraph the Commissioner may—

Status: This is the original version (as it was originally enacted).

- (a) take onto the premises any equipment that appears to the Commissioner to be necessary;
 - (b) require any person on the premises to produce any relevant document and, if the document is produced, to provide any explanation of it;
 - (c) require any person on the premises to state, to the best of the person's knowledge and belief, where any relevant document is to be found;
 - (d) take copies of, or extracts from, any relevant document on the premises which is produced;
 - (e) require any relevant information which is held in a computer and is accessible from the premises to be produced in a form—
 - (i) in which it can be taken away; and
 - (ii) in which it is visible and legible.
- (5) For the purposes of sub-paragraph (4), a document or information is “relevant” if the document or information relates to any matter connected with the provision of immigration advice or immigration services.
- (6) The powers conferred on the Commissioner by sub-paragraphs (1) to (5) may also be exercised by—
- (a) a member of the Commissioner's staff authorised by the Commissioner in writing, and
 - (b) if the Commissioner so determines, a person appointed by the Commissioner to make a report on the provision of immigration advice or immigration services from the premises in question.
- (7) If a registered person fails without reasonable excuse to allow access under this paragraph to any premises under the person's occupation or control, the Commissioner may cancel the person's registration.
- (8) The Commissioner may also cancel the registration of a registered person who—
- (a) without reasonable excuse fails to comply with a requirement imposed under sub-paragraph (4);
 - (b) intentionally delays or obstructs any person exercising functions under this paragraph; or
 - (c) fails to take reasonable steps to prevent an employee of the registered person from obstructing any person exercising such functions.
- (9) In this paragraph “premises” includes premises used wholly or partly as a dwelling.”

SCHEDULE 8

Section 67

EMBARKATION CHECKS

PART 1

FUNCTIONS EXERCISABLE BY DESIGNATED PERSONS

Introduction

- 1 Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc) is amended in accordance with this Part of this Schedule.

Examinations by designated person

- 2 (1) Paragraph 3 is amended as follows.
 - (2) In sub-paragraph (1), after “immigration officer” insert “or designated person”.
 - (3) For sub-paragraph (1A) substitute—

“(1A) If a person is examined under sub-paragraph (1) (whether by an immigration officer or designated person), an immigration officer may require the person, by notice in writing, to submit to further examination by the immigration officer for a purpose specified in that sub-paragraph.”.

Information and documents

- 3 (1) Paragraph 4 is amended as follows.
 - (2) In sub-paragraph (1), for “his functions” substitute “that or any other person’s functions”.
 - (3) In sub-paragraph (2)—
 - (a) for “shall, if so required by the immigration officer” substitute “, or on his examination under paragraph 3 above by a designated person, shall, if so required by an immigration officer or designated person”;
 - (b) in paragraph (b), for “the immigration officer” substitute “the immigration officer or designated person”;
 - (c) in the words after paragraph (b), for “the immigration officer” substitute “the immigration officer or designated person”.
 - (4) In sub-paragraph (3), for the words from “the immigration officer” to the second “officer” substitute “an immigration officer or a person acting under the directions of an immigration officer”.
 - (5) In sub-paragraph (4), in the words before paragraph (a)—
 - (a) for “produced or found” substitute “produced to or found by an immigration officer”;
 - (b) for “an immigration officer” substitute “, the immigration officer”.
 - (6) After sub-paragraph (4) insert—

Status: This is the original version (as it was originally enacted).

“(4A) Where a passport or other document is produced to a designated person in accordance with this paragraph, the designated person—

- (a) may examine it and detain it; and
- (b) must deliver any detained passport or document to an immigration officer as soon as reasonably practicable.

(4B) If a passport or document is delivered to an immigration officer in accordance with sub-paragraph (4A)(b), sub-paragraph (4) applies as if the immigration officer had detained the document (and, accordingly, the immigration officer may continue to detain it in accordance with sub-paragraph (4)(a), (b) or (c)).”.

(7) In sub-paragraph (5), after “examination” insert “, or any immigration officer or designated person,”.

Embarkation cards

- 4 (1) Paragraph 5 is amended in accordance with sub-paragraphs (2) and (3).
- (2) For “requiring passengers” substitute “requiring—
- (a) passengers”.
- (3) For “cards in such form” substitute “cards, and
- (b) passengers embarking in the United Kingdom, or any class of such passengers, to produce to a designated person, if so required, embarkation cards,
- in such form”.

Designations

5 After paragraph 5 insert—

“Designated persons

- 5A (1) In this Schedule “designated person” means a person designated by the Secretary of State for the purposes of this Schedule.
- (2) A designation under this paragraph is subject to such limitations as may be specified in the designation.
- (3) A limitation under sub-paragraph (2) may, in particular, relate to the functions that are exercisable by virtue of the designation (and, accordingly, the exercise of functions under this Schedule by a designated person is subject to any such limitations specified in the person’s designation).
- (4) A designation under this paragraph—
- (a) may be permanent or for a specified period,
 - (b) may (in either case) be withdrawn, and
 - (c) may be varied.

Status: This is the original version (as it was originally enacted).

- (5) The power to designate, or to withdraw or vary a designation, is exercised by the Secretary of State giving notice to the person in question.
- (6) The Secretary of State may designate a person under this paragraph only if the Secretary of State is satisfied that the person—
 - (a) is capable of effectively carrying out the functions that are exercisable by virtue of the designation,
 - (b) has received adequate training in respect of the exercise of those functions, and
 - (c) is otherwise a suitable person to exercise those functions.”.

Directions to carriers and operators of ports

6 After paragraph 5A (inserted by paragraph 5 above) insert—

“Directions to carriers and operators of ports etc

- 5B (1) The Secretary of State may direct—
- (a) an owner or agent of a ship or aircraft, or
 - (b) a person concerned in the management of a port,
- to make arrangements for designated persons to exercise a specified function, or a function of a specified description, in relation to persons of a specified description.
- (2) A direction under this paragraph must specify—
 - (a) the port where, and
 - (b) the date (or dates) and time (or times) when, a function is to be exercised under the arrangements.
 - (3) A direction under this paragraph must be in writing.
 - (4) A direction under this paragraph may specify a description of persons by reference, in particular, to—
 - (a) the destination to which persons are travelling;
 - (b) the route by which persons are travelling;
 - (c) the date and time when the persons are travelling.
 - (5) In this paragraph—

“function” means a function under this Schedule;
“specified” means specified in a direction under this paragraph.”.

Status: This is the original version (as it was originally enacted).

PART 2

OTHER PROVISION

Offences

- 7 (1) Section 27 of the Immigration Act 1971 (offences by persons connected with ships or aircraft or with ports) is amended as follows.
- (2) In paragraph (b)—
- (a) after sub-paragraph (iii) insert—
- “(iiiia) he fails, without reasonable excuse, to comply with a direction under paragraph 5B of Schedule 2; or”;
- (b) in sub-paragraph (iv) for “a requirement” substitute “any other requirement”.
- (3) After paragraph (c) insert—
- “(ca) if as a person concerned in the management of a port he fails, without reasonable excuse, to comply with a direction under paragraph 5B of Schedule 2.”.

SCHEDULE 9

Section 73

TRANSITIONAL AND CONSEQUENTIAL PROVISION

PART 1

PROVISION RELATING TO REMOVAL

Immigration Act 1971 (c. 77)

- 1 In Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc), in paragraph 11, after “immigration officer” insert “or the Secretary of State”.

Special Immigration Appeals Commission Act 1997 (c. 68)

- 2 In section 2 of the Special Immigration Appeals Commission Act 1997 (jurisdiction: appeals), in subsection (2), after paragraph (c) insert—
- “(ca) section 78A of that Act (restriction on removal of children and their parents)”.

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 3 (1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.
- (2) In section 62 (detention by Secretary of State)—
- (a) in subsection (1)—
- (i) in paragraph (a), after “under” insert “section 10 of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the United Kingdom) or”;

Status: This is the original version (as it was originally enacted).

- (ii) in paragraph (b), for “paragraphs” substitute “provisions”;
- (b) in subsection (2), for “that Act” substitute “the Immigration Act 1971”;
- (c) omit subsections (5) and (6).

- (3) In section 76 (revocation of leave to enter or remain)—
 - (a) in subsection (2), omit paragraphs (b) and (c);
 - (b) in subsection (4), omit the definition of “removed”.

Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19)

- 4 In section 8(7) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (claimant’s credibility; definitions), in paragraph (d) of the definition of “immigration decision”, omit “(1)(a), (b), (ba) or (c)”.

Immigration, Asylum and Nationality Act 2006 (c. 13)

- 5 In the Immigration, Asylum and Nationality Act 2006, section 47 (removal of persons with statutorily extended leave) is repealed.

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- 6 In Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services), in paragraph 19(10), in the definition of “removal directions”, omit paragraph (e).

Consequential repeals

- 7 The provisions shown in the table below are repealed in consequence of the amendments made by section 1 and this Part of this Schedule.

<i>Title</i>	<i>Extent of repeal</i>
Nationality, Immigration and Asylum Act 2002	Section 73(2) to (4). Section 74. Section 75(4). Section 76(7).
Immigration, Asylum and Nationality Act 2006	Section 48.
Crime and Courts Act 2013	Section 51(3).
Immigration Act 2014	In Schedule 1, paragraph 2(3) and (4).

Status: This is the original version (as it was originally enacted).

PART 2

PROVISION RELATING TO DETENTION AND BAIL

Prison Act 1952 (c. 52)

- 8 (1) Section 5A of the Prison Act 1952 (appointment and functions of Her Majesty’s Chief Inspector of Prisons) is amended as follows.
- (2) In subsection (5A)—
- (a) omit “and” at the end of paragraph (b);
 - (b) after paragraph (b) insert—
 - “(ba) in relation to pre-departure accommodation within the meaning of that section, and”.
- (3) In subsection (5B)—
- (a) in paragraph (a), after “facilities” insert “, accommodation”;
 - (b) in paragraph (b)(i), after “facilities” insert “, pre-departure accommodation”.

Immigration Act 1971 (c. 77)

- 9 In Schedule 3 to the Immigration Act 1971 (supplementary provisions as to deportation), in paragraph 3, for “33” substitute “33A”.

Special Immigration Appeals Commission Act 1997 (c. 68)

- 10 (1) The Special Immigration Appeals Commission Act 1997 is amended as follows.
- (2) In section 5 (procedure in relation to SIAC’s jurisdiction on appeals and bail), after subsection (5) insert—
- “(5A) Rules under this section must secure that, where the Commission has decided not to release a person on bail under paragraph 22 or 29 of Schedule 2 to the Immigration Act 1971, the Commission is required to dismiss any further application by the person for release on bail that is made during the period of 28 days starting with the date of the Commission’s decision, unless there has been a material change in circumstances.”
- (3) In Schedule 3 (bail: modifications of Schedule 2 to the Immigration Act 1971), in paragraph 4, after sub-paragraph (1) insert—
- “(1A) In sub-paragraph (1) after “2002” there shall be inserted “or section 2 of the Special Immigration Appeals Commission Act 1997 or a review pending under section 2E of that Act.”

Northern Ireland Act 1998 (c. 47)

- 11 In section 69C of the Northern Ireland Act 1998 (investigations: places of detention), in subsection (3)(g), for “or short-term holding facility” substitute “, a short-term holding facility or pre-departure accommodation”.

Immigration and Asylum Act 1999 (c. 33)

- 12 (1) The Immigration and Asylum Act 1999 is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In Schedule 11 (detainee custody officers)—
- (a) in the heading above paragraph 3, at the end insert “and pre-departure accommodation”;
 - (b) in paragraph 3—
 - (i) in sub-paragraph (1), after “facility” insert “or in pre-departure accommodation”;
 - (ii) in sub-paragraph (2), after “facility” (in both places) insert “or accommodation”;
 - (c) in paragraph 4(c), after “facility” insert “or in pre-departure accommodation”;
 - (d) in paragraph 5(c), after “facility” insert “or in pre-departure accommodation”.
- (3) In Schedule 12 (discipline etc at removal centres)—
- (a) in paragraph 4 (assisting detained persons to escape)—
 - (i) in sub-paragraph (1), for “or short-term holding facility” substitute “, a short-term holding facility or pre-departure accommodation”;
 - (ii) in the opening words of sub-paragraph (2), for “or short-term holding facility” substitute “, a short-term holding facility or pre-departure accommodation”;
 - (iii) in sub-paragraph (2)(a), for “or facility” substitute “, facility or accommodation”;
 - (iv) in sub-paragraph (2)(b), for “or facility” substitute “, facility or accommodation”;
 - (v) in sub-paragraph (2)(c), for “or facility” substitute “, facility or accommodation”;
 - (b) in paragraph 8 (notice of penalties)—
 - (i) in sub-paragraph (1), after “facility” insert “or contracted out pre-departure accommodation”;
 - (ii) in sub-paragraph (2), after “facility” insert “or pre-departure accommodation”.

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 13 In section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State), in subsection (3), after paragraph (a) insert—
- “(aa) a reference in paragraph 18B of that Schedule to an immigration officer shall be read as a reference to the Secretary of State,”.

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 14 In section 59 of the Safeguarding Vulnerable Groups Act 2006 (vulnerable adults), in subsection (7)(d), after “facility” insert “or in pre-departure accommodation”.

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

- 15 In section 2 of the Corporate Manslaughter and Corporate Homicide Act 2007 (meaning of “relevant duty of care”)—
- (a) in subsection (2)(b), for “or short-term holding facility” substitute “, a short-term holding facility or in pre-departure accommodation”;

Status: This is the original version (as it was originally enacted).

- (b) in subsection (7), for “and “short-term holding facility”” substitute “, “short-term holding facility” and “pre-departure accommodation””.

UK Borders Act 2007 (c. 30)

- 16 In section 48 of the UK Borders Act 2007 (establishment of border and immigration inspectorate), in subsection (2A)(a), after “facilities” insert “and in pre-departure accommodation”.

PART 3

PROVISION RELATING TO BIOMETRICS

Immigration and Asylum Act 1999 (c. 33)

- 17 (1) The Immigration and Asylum Act 1999 is amended as follows.
- (2) Section 143 (destruction of fingerprints) is repealed.
- (3) In section 144(1) (power to make provision about other biometric information) for “, 142 and 143” substitute “and 142”.
- (4) Omit section 166(4)(g) (Parliamentary procedure for orders under section 143).

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 18 Section 36 of the Anti-terrorism, Crime and Security Act 2001 (which amends section 143 of the Immigration and Asylum Act 1999) is repealed.

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 19 In section 126 of the Nationality, Immigration and Asylum Act 2002 (power to require provision of physical data with certain immigration applications) omit—
- (a) the “or” at the end of subsection (2)(b),
 - (b) subsection (4)(g), and
 - (c) subsection (5).

PART 4

PROVISION RELATING TO APPEALS

Immigration Act 1971 (c. 77)

- 20 The Immigration Act 1971 is amended as follows.
- 21 (1) Section 3C (continuation of leave pending variation decision) is amended as follows.
- (2) In subsection (2)—
- (a) omit the “or” at the end of paragraph (b);
 - (b) after paragraph (c) insert “, or

Status: This is the original version (as it was originally enacted).

- (d) an administrative review of the decision on the application for variation—
 - (i) could be sought, or
 - (ii) is pending.”
- (3) After subsection (6) insert—
 - “(7) In this section—
 - “administrative review” means a review conducted under the immigration rules;
 - the question of whether an administrative review is pending is to be determined in accordance with the immigration rules.”
- 22 (1) Section 3D (continuation of leave following revocation) is amended as follows.
 - (2) In subsection (2)—
 - (a) omit the “or” at the end of paragraph (a);
 - (b) after paragraph (b) insert, “or
 - (c) an administrative review of the variation or revocation—
 - (i) could be sought, or
 - (ii) is pending.”
 - (3) After subsection (4) insert—
 - “(5) In this section—
 - “administrative review” means a review conducted under the immigration rules;
 - the question of whether an administrative review is pending is to be determined in accordance with the immigration rules.”
- 23 In Schedule 2 (administrative provisions as to control on entry etc), in paragraph 2A(9), for “(immigration and asylum appeals)” substitute “(appeals in respect of protection and human rights claims)”.
- 24 In Schedule 3 (supplementary provisions as to deportation), in paragraph 3, for the words from “of the kind” to “order)” substitute “that relates to a deportation order”.

British Nationality Act 1981 (c. 61)

- 25 In section 40A of the British Nationality Act 1981 (deprivation of citizenship: appeal), in subsection (3)—
 - (a) omit “, 83 or 83A”;
 - (b) omit paragraph (a).

Special Immigration Appeals Commission Act 1997 (c. 68)

- 26 (1) The Special Immigration Appeals Commission Act 1997 is amended as follows.
 - (2) In section 2 (jurisdiction: appeals)—
 - (a) in subsection (1)(a), omit “, 83(2) or 83A(2)”;
 - (b) in subsection (1)(b), omit “, 83(2) or 83A(2)”;
 - (c) in subsection (2), omit paragraphs (d), (h) and (l);
 - (d) omit subsections (3) and (4);

Status: This is the original version (as it was originally enacted).

- (e) in subsection (5), omit “against an immigration decision”;
 - (f) omit subsection (6).
- (3) In section 2B (appeal to SIAC against deprivation of citizenship), omit the words from “(and” to the end.
- (4) In section 6A (procedure in relation to review jurisdiction)—
- (a) in the heading, for “and 2D” substitute “to 2E”;
 - (b) in subsection (1), for “or 2D” substitute “, 2D or 2E”;
 - (c) in subsection (2)—
 - (i) in paragraph (a), for “or 2D” substitute “, 2D or 2E”;
 - (ii) in paragraph (b), for “or (as the case may be) 2D(2)” substitute “, 2D(2) or (as the case may be) 2E(2)”.
- (5) In section 7 (appeals from the Commission), in subsection (1A), for “or 2D” substitute “, 2D or 2E”.

Immigration and Asylum Act 1999 (c. 33)

- 27 The Immigration and Asylum Act 1999 is amended as follows.
- 28 Section 23 (monitoring refusals of entry clearance) is repealed.
- 29 (1) Section 141 (fingerprinting) is amended as follows.
- (2) In subsection (7)—
- (a) for paragraph (c) substitute—
 - “(c) any person (“C”) in respect of whom the Secretary of State has decided—
 - (i) to make a deportation order, or
 - (ii) that section 32(5) of the UK Borders Act 2007 (automatic deportation of foreign criminals) applies;
 - (ca) any person (“CA”) who requires leave to enter or remain in the United Kingdom but does not have it;”
 - (b) in paragraph (f), for the words from “paragraph (c)” to the end substitute “paragraph (c)(ii)”.
- (3) In subsection (8), for paragraph (c) substitute—
- “(c) for C, when he is notified of the decision mentioned in subsection (7) (c);
 - (ca) for CA, when he becomes a person to whom this section applies;”.
- (4) In subsection (9)—
- (a) in paragraph (b), after “C” insert “, CA”;
 - (b) in paragraph (c)(i) for “relevant immigration decision” substitute “decision mentioned in subsection (7)(c)”;
 - (c) after paragraph (c) insert—
 - “(ca) for CA, when he no longer requires leave to enter or remain in the United Kingdom;”.
- (5) Omit subsection (16).

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 30 The Nationality, Immigration and Asylum Act 2002 is amended as follows.
- 31 In section 72 (serious criminal), in subsection (9)(a)—
- (a) omit “, 83, 83A or 101”;
 - (b) for the words from “that to remove him” to the end substitute “mentioned in section 84(1)(a) or (3)(a) of this Act (breach of the United Kingdom’s obligations under the Refugee Convention), and”.
- 32 In section 79 (deportation order: appeal), in subsection (1) for “against” substitute “that may be brought or continued from within the United Kingdom relating to”.
- 33 For the heading to Part 5, substitute “Appeals in respect of Protection and Human Rights Claims”.
- 34 In section 85 (matters to be considered)—
- (a) in subsection (2), for “84(1)” substitute “84”;
 - (b) in subsection (4)—
 - (i) omit “, 83(2) or 83A(2)”;
 - (ii) omit “evidence about”;
 - (iii) omit “evidence which concerns”.
- 35 Section 85A (matters to be considered: new evidence: exceptions) is repealed.
- 36 In section 86 (determination of appeal)—
- (a) in subsection (1), omit “, 83 or 83A”;
 - (b) in subsection (2), omit “(whether or not by virtue of section 85(1))”;
 - (c) omit subsections (3) to (6).
- 37 Sections 87 to 91 are repealed.
- 38 (1) Section 94 (appeal from within the United Kingdom) is amended as follows.
- (2) In the heading, for “asylum” substitute “protection”.
 - (3) For subsections (1) to (2) substitute—
 - “(1) The Secretary of State may certify a protection claim or human rights claim as clearly unfounded.”
 - (4) In subsection (3)—
 - (a) for “an asylum claimant or human rights” substitute “a”;
 - (b) for “subsection (2)” substitute “subsection (1)”.
 - (5) In subsection (6A) for “an asylum claimant or human rights” substitute “a”.
 - (6) In subsection (7), for the words from the beginning to “certifies that” substitute “The Secretary of State may certify a protection claim or human rights claim made by a person if”.
 - (7) In subsection (8)(b), at the end insert “or with the United Kingdom’s obligations in relation to persons eligible for a grant of humanitarian protection”.
 - (8) Omit subsection (9).
- 39 In section 94A (European Common List of Safe Countries of Origin)—
- (a) in subsection (2), for “an asylum claim” substitute “a protection claim”;

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- (b) in subsection (4) for “94(2)” substitute “94(1)”.
- 40 Section 95 (appeal from outside the United Kingdom: removal) is repealed.
- 41 (1) Section 96 (earlier right of appeal) is amended as follows.
- (2) In subsection (1)—
- (a) in the opening words, for the words from the beginning to “brought” substitute “A person may not bring an appeal under section 82 against a decision (“the new decision”)”;
- (b) in paragraph (a), omit “immigration”;
- (c) in paragraph (b) for “matter” substitute “ground”;
- (d) in paragraph (c) for “matter” substitute “ground”.
- (3) For subsection (2) substitute—
- “(2) A person may not bring an appeal under section 82 if the Secretary of State or an immigration officer certifies—
- (a) that the person has received a notice under section 120(2),
- (b) that the appeal relies on a ground that should have been, but has not been, raised in a statement made under section 120(2) or (5), and
- (c) that, in the opinion of the Secretary of State or the immigration officer, there is no satisfactory reason for that ground not having been raised in a statement under section 120(2) or (5).”
- 42 In section 97 (national security etc)—
- (a) in subsection (1), omit “, 83(2) or 83A(2)”;
- (b) in subsection (3), omit “, 83(2) or 83A(2)”.
- 43 In section 97A (national security: deportation)—
- (a) in subsection (2B), for the words from “breach” to the end substitute “be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention)”;
- (b) omit subsections (2D), (2E) and (3).
- 44 Section 97B (variation of leave on grounds of public good: rights of appeal) is repealed.
- 45 Section 98 (other grounds of public good) is repealed.
- 46 In section 99—
- (a) in the heading, for “Sections 97 and 98” substitute “Section 97”;
- (b) in subsection (1), omit “or 98”.
- 47 (1) Section 104 (pending appeal) is amended as follows.
- (2) Omit subsection (4).
- (3) In subsection (4A), for “subsections (4B) and (4C)” substitute “subsection (4B)”.
- (4) In subsection (4B)—
- (a) for “the ground relating to the Refugee Convention specified in section 84(1)(g)” substitute “a ground specified in section 84(1)(a) or (b) or 84(3) (asylum or humanitarian protection)”;
- (b) omit paragraph (a) (and the “and” immediately following it).

Status: This is the original version (as it was originally enacted).

- (5) Omit subsections (4C) and (5).
- 48 (1) Section 105 (notice of immigration decision) is amended as follows.
- (2) In subsection (1), for “immigration” substitute “appealable”.
- (3) In subsection (2)—
- (a) in the opening words, for “a decision against which the person is entitled to appeal under section 82(1)” substitute “an appealable decision”;
- (b) in paragraph (a) for “that section” substitute “section 82”.
- (4) At the end insert—
- “(4) In this section “appealable decision” means a decision mentioned in section 82(1).”
- 49 In section 106 (rules)—
- (a) in subsection (3), omit “, 83 or 83A”;
- (b) in subsection (4), omit “, 83 or 83A”.
- 50 In section 107 (practice directions), in subsection (3), omit “, 83 or 83A”.
- 51 In section 108 (forged documents: proceedings in private), in subsection (1)(a), omit “, 83 or 83A”.
- 52 In section 112 (regulations etc)—
- (a) omit subsection (3A);
- (b) in subsection (4), omit “or 115(8)”;
- (c) in subsection (5), omit “or 115(9)”.
- 53 (1) Section 113 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) in the definition of “human rights claim”—
- (i) after “Kingdom” insert “or to refuse him entry into the United Kingdom”;
- (ii) omit “as being incompatible with his Convention rights”;
- (b) at the appropriate places insert—
- ““humanitarian protection” has the meaning given in section 82(2);”
- ““protection claim” has the meaning given in section 82(2);”
- ““protection status” has the meaning given in section 82(2);”
- (c) omit the definitions of “entry clearance”, “illegal entrant”, “prescribed”, “visitor” and “work permit”;
- (d) in the definition of “immigration rules”, for “that Act” substitute “the Immigration Act 1971”.
- (3) Omit subsection (2).
- 54 Section 115 (appeal from within United Kingdom: unfounded human rights or asylum claim: transitional provision) is repealed.
- 55 For section 120 (requirement to state additional grounds for application) substitute—

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“120 Requirement to state additional grounds for application etc

- (1) Subsection (2) applies to a person (“P”) if—
 - (a) P has made a protection claim or a human rights claim,
 - (b) P has made an application to enter or remain in the United Kingdom, or
 - (c) a decision to deport or remove P has been or may be taken.
- (2) The Secretary of State or an immigration officer may serve a notice on P requiring P to provide a statement setting out—
 - (a) P’s reasons for wishing to enter or remain in the United Kingdom,
 - (b) any grounds on which P should be permitted to enter or remain in the United Kingdom, and
 - (c) any grounds on which P should not be removed from or required to leave the United Kingdom.
- (3) A statement under subsection (2) need not repeat reasons or grounds set out in—
 - (a) P’s protection or human rights claim,
 - (b) the application mentioned in subsection (1)(b), or
 - (c) an application to which the decision mentioned in subsection (1)(c) relates.
- (4) Subsection (5) applies to a person (“P”) if P has previously been served with a notice under subsection (2) and—
 - (a) P requires leave to enter or remain in the United Kingdom but does not have it, or
 - (b) P has leave to enter or remain in the United Kingdom only by virtue of section 3C or 3D of the Immigration Act 1971 (continuation of leave pending decision or appeal).
- (5) Where P’s circumstances have changed since the Secretary of State or an immigration officer was last made aware of them (whether in the application or claim mentioned in subsection (1) or in a statement under subsection (2) or this subsection) so that P has—
 - (a) additional reasons for wishing to enter or remain in the United Kingdom,
 - (b) additional grounds on which P should be permitted to enter or remain in the United Kingdom, or
 - (c) additional grounds on which P should not be removed from or required to leave the United Kingdom,

P must, as soon as reasonably practicable, provide a supplementary statement to the Secretary of State or an immigration officer setting out the new circumstances and the additional reasons or grounds.

- (6) In this section—

“human rights claim” and “protection claim” have the same meanings as in Part 5;

references to “grounds” are to grounds on which an appeal under Part 5 may be brought (see section 84).”

Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19)

- 56 (1) Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (removal of asylum seeker to safe third country) is amended as follows.
- (2) In paragraph 1, at the end insert—
- “(3) Section 92 of the Nationality, Immigration and Asylum Act 2002 makes further provision about the place from which an appeal relating to an asylum or human rights claim may be brought or continued.”
- (3) In paragraph 5—
- (a) omit sub-paragraph (2);
- (b) in sub-paragraph (3), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
- (c) in sub-paragraph (4), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.
- (4) In paragraph 10—
- (a) omit sub-paragraph (2);
- (b) in sub-paragraph (3), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
- (c) in sub-paragraph (4), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.
- (5) In paragraph 15—
- (a) omit sub-paragraph (2);
- (b) in sub-paragraph (3), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
- (c) in sub-paragraph (4), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.
- (6) In paragraph 19—
- (a) omit paragraph (a);
- (b) in paragraph (b), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
- (c) in paragraph (c), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.

Immigration, Asylum and Nationality Act 2006 (c. 13)

- 57 (1) The Immigration, Asylum and Nationality Act 2006 is amended as follows.
- (2) In section 12(3) (new definition of human rights claims), in paragraph (a) of the definition of “human rights claim”—
- (a) after “Kingdom” insert “or to refuse him entry into the United Kingdom”;
- (b) omit “as being incompatible with his Convention rights”.
- (3) Section 13 (appeal from within the United Kingdom: certification of unfounded claim) is repealed.
- (4) In section 55 (Refugee Convention: certification), in subsection (2)(a)—
- (a) in sub-paragraph (i), omit “, 83 or 101”;
- (b) for sub-paragraph (ii) substitute—

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“(ii) which is brought on the ground mentioned in section 84(1)(a) or (3)(a) of that Act (breach of United Kingdom’s obligations under the Refugee Convention);”.

(5) In Schedule 1 (consequential amendments) paragraph 11 (amendment to section 112(5) of the 2002 Act) is repealed.

UK Borders Act 2007 (c. 30)

- 58 In section 17 of the UK Borders Act 2007 (support for failed asylum-seekers), in subsection (2)—
- (a) in paragraph (a), omit “against an immigration decision”;
 - (b) in paragraph (b), omit “against an immigration decision”.

Equality Act 2010 (c. 15)

- 59 In section 115 of the Equality Act 2010 (immigration cases), in subsection (8) after “2D” insert “and 2E”.

Consequential repeals

- 60 The provisions shown in the table below are repealed in consequence of the amendments made by sections 15 to 18 and this Part of this Schedule.

<i>Title</i>	<i>Extent of repeal</i>
Nationality, Immigration and Asylum Act 2002	In Schedule 7, paragraph 27.
Asylum and Immigration (Treatment of Claimants, etc) Act 2004	Section 15(2), (3) and (5). Section 26(2) and (3). Section 27(2) and (3). Sections 28 and 29. Section 31.
Immigration, Asylum and Nationality Act 2006	In Schedule 2, paragraphs 18(2)(c) and 19. Sections 1 to 6. Section 11(6). Section 47(6) to (8). Section 57(2).
UK Borders Act 2007	In Schedule 1, paragraphs 2 to 6, 10, 11, 13, 14(a) and (c). Section 19.
Borders, Citizenship and Immigration Act 2009	Section 35(3). Section 51(3).

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<i>Title</i>	<i>Extent of repeal</i>
Crime and Courts Act 2013	Section 51(1). Sections 52 and 53.

PART 5

PROVISION RELATING TO EMPLOYMENT

Immigration, Asylum and Nationality Act 2006 (c. 13)

- 61 In section 15 of the Immigration, Asylum and Nationality Act 2006 (penalty), in subsection (6)(e), after “penalty” insert “or make an appeal against it”.

PART 6

PROVISION RELATING TO DRIVING LICENCES

Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1))

- 62 In Article 5 of the Road Traffic (Northern Ireland) Order 1981 (tests of competence to drive)—
- (a) in paragraph (1), omit “meets the relevant residence requirement and”;
 - (b) omit paragraph (1A);
 - (c) in paragraph (4)(aa) for “normally resident in Northern Ireland or the United Kingdom” insert “normally and lawfully resident in Northern Ireland or the United Kingdom (within the meaning of Article 13A)”.

Road Traffic Act 1988 (c. 52)

- 63 In section 89 of the Road Traffic Act 1988 (tests of competence to drive)—
- (a) in subsection (1), omit “meets the relevant residence requirement and”;
 - (b) omit subsection (1A);
 - (c) in subsection (4)(aa) for “normally resident in Great Britain or the United Kingdom” substituted “normally and lawfully resident in Great Britain or the United Kingdom (within the meaning of section 97A)”.

Road Safety Act 2006 (c. 49)

- 64 In Schedule 3 to the Road Safety Act 2006 (endorsement: all drivers), in paragraph 9—
- (a) after sub-paragraph (3) insert—
“(3A) In subsection (3ZA), omit “and its counterpart”.”;
 - (b) in sub-paragraph (6A)(b), at the end insert “in both places”.

Status: This is the original version (as it was originally enacted).

Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10))

- 65 In Schedule 5 to the Road Traffic (Northern Ireland) Order 2007 (endorsement: all drivers: consequential amendments), in paragraph 6, after sub-paragraph (a) insert—
 “(aa) in paragraph (5ZA), omit “and its counterpart”.”

PART 7

PROVISION RELATING TO MARRIAGE AND CIVIL PARTNERSHIP

Transitional provision

- 66 The provisions of sections 48 to 51, and the amendments made by Schedule 4, apply only to proposed marriages and civil partnerships in respect of which notice under section 27 of the Marriage Act 1949 or under section 8 of the Civil Partnership Act 2004 is given after the day on which the provisions and amendments come into force.

PART 8

PROVISION RELATING TO IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

Transitional provision

- 67 (1) On the day on which paragraph 2 of Schedule 7 comes into force the Immigration Services Commissioner must register in the register maintained under section 85(1) of the Immigration and Asylum Act 1999 each person who, immediately before that day, was an exempt person (within the meaning given by section 84(4)(a) of that Act).
- (2) The registration of a person by reason of sub-paragraph (1) may be made so as to have effect only in relation to a specified field of advice or services.
- 68 (1) In the provisions listed in sub-paragraph (2)—
- (a) references to a person who, at the time to which a charge or (as the case may be) a complaint relates, was a registered person do not include a person who ceased to be a registered person before the day on which paragraph 7 of Schedule 7 comes into force;
- (b) references to a person who, at the time to which a charge or (as the case may be) a complaint relates, was acting on behalf of a registered person do not include—
- (i) a person who ceased to act on behalf of a registered person before that day;
- (ii) a person who was acting on behalf of a person who ceased to be a registered person before that day.
- (2) The provisions are—
- (a) section 89(2) to (2B) of the Immigration and Asylum Act 1999;
- (b) paragraph 5(3)(za), (aa) and (d) of Schedule 5 to that Act;
- (c) paragraph 9(1)(a), (1A) and (4)(a) of Schedule 5 to that Act.
- 69 (1) The provisions listed in paragraph 68(2) (apart from paragraph 5(3)(d) of Schedule 5 to the Immigration and Asylum Act 1999) apply in relation to a person who—

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- (a) was an exempt person immediately before the day on which paragraph 2 of Schedule 7 comes into force, and
 - (b) became a registered person on that day by virtue of paragraph 67(1),
as if, while the person was an exempt person, the person had been a registered person.
- (2) In paragraph 10A(2)(a) of Schedule 5 to the Immigration and Asylum Act 1999, the reference to premises which have been used in connection with the provision of immigration advice or immigration services by a registered person includes premises which have been so used by an exempt person.
- (3) In this paragraph “exempt person” has the meaning given by section 84(4)(a) of the Immigration and Asylum Act 1999.

PART 9

PROVISION RELATING TO PERSONS UNABLE TO ACQUIRE NATIONALITY BECAUSE NATURAL FATHER NOT MARRIED TO MOTHER

British Nationality Act 1981

- 70 (1) The British Nationality Act 1981 is amended as follows.
- (2) In section 14 (meaning of “British citizen “by descent””), in subsection (1), after paragraph (d) insert—
- “(da) the person is a British citizen by descent by virtue of section 4F(3), 4G(2), 4H(2) or 4I(4); or”.
- (3) In section 41A (registration: requirement to be of good character), in subsection (1), after “4D,” insert “4F, 4G, 4H, 4I”.

British Nationality (General) Regulations 2003

- 71 (1) In regulation 14 of the British Nationality (General) Regulations 2003—
- (a) after “4D(3)” insert “or 4G(3)”;
 - (b) after “section 4D” insert “or 4G”.
- (2) The provision inserted into regulation 14 by this paragraph may be amended or revoked by the exercise of the powers conferred by section 41 of the British Nationality Act 1981 as if that provision had been inserted by those powers.

PART 10

PROVISION RELATING TO EMBARKATION CHECKS

Transitional provision

- 72 (1) Any order or direction under paragraph 5 of Schedule 2 to the Immigration Act 1971 that has effect immediately before commencement has, after commencement, the same effect in relation to the production of embarkation cards to designated persons as it has in relation to the production of such cards to immigration officers.

Status: This is the original version (as it was originally enacted).

- (2) This paragraph is subject to the exercise, after commencement, of the powers under paragraph 5 of Schedule 2 to the Immigration Act 1971.
- (3) In this paragraph “commencement” means the day when the amendments made by Part 1 of Schedule 8 come into force.

PART 11

PROVISION RELATING TO FEES

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

- 73 (1) Section 42 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (amount of fees) is amended as follows.
- (2) Omit subsections (1) to (2A).
 - (3) For subsection (3A) substitute—
 - “(3A) The amount of a fee under section 1 of the Consular Fees Act 1980 in respect of a matter specified in subsection (3B) may be set so as to reflect costs referable to the exercise of any function in respect of which the Secretary of State has made an order under section 68 of the Immigration Act 2014.
 - (3B) The matters are—
 - (a) the determination of applications for entry clearances (within the meaning given by section 33(1) of the Immigration Act 1971),
 - (b) the determination of applications for transit visas under section 41 of the Immigration and Asylum Act 1999, or
 - (c) the determination of applications for certificates of entitlement to the right of abode in the United Kingdom under section 10 of the Nationality, Immigration and Asylum Act 2002.”
 - (4) In subsection (4) omit “(1)(b) or”.
 - (5) In subsection (7) omit from “(and any provision” to the end.

Immigration, Asylum and Nationality Act 2006 (c. 13)

- 74 Sections 51 and 52 of the Immigration, Asylum and Nationality Act 2006 (fees) are repealed.

UK Borders Act 2007 (c. 30)

- 75 For section 15(2)(b) of the UK Borders Act 2007 (application of certain provisions to applications for biometric immigration documents) substitute—
 “(b) section 68 of the Immigration Act 2014 (fees);”.

Consequential repeals

- 76 The following provisions are repealed in consequence of the amendments made by this Part of this Schedule—

Status: This is the original version (as it was originally enacted).

- (a) paragraph 6 of Schedule 2 to the Immigration, Asylum and Nationality Act 2006;
- (b) section 20 of the UK Borders Act 2007.