

2005 No. 2917

IMMIGRATION

The Immigration (Procedure for Formation of Civil Partnerships) Regulations 2005

Made - - - - - *19th October 2005*

Laid before Parliament *24th October 2005*

Coming into force:

Regulations 1 to 3 and Schedule 1 *14th November 2005*

Remainder of Regulations *5th December 2005*

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraphs 2(1), 4, 9, 13 and 16(3)(a) of Schedule 23 to the Civil Partnership Act 2004^(a) and section 25 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004^(b).

In accordance with paragraphs 4(4), 9(2) and 13(2) of Schedule 23 to the Civil Partnership Act 2004 he has consulted with the Registrar General.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Immigration (Procedure for Formation of Civil Partnerships) Regulations 2005.

(2) Subject to paragraph (3), these Regulations shall come into force on 5th December 2005.

(3) This regulation, regulations 2 and 3 and Schedule 1 shall come into force on 14th November 2005.

2. In these Regulations—

(a) “the 2004 Act” means the Civil Partnership Act 2004; and

(b) “civil partnership” means a civil partnership which exists under or by virtue of the 2004 Act.

Application for permission

3.—(1) A person seeking the permission of the Secretary of State to form a civil partnership in the United Kingdom under paragraph 2(1)(b) of Schedule 23 to the 2004 Act shall—

(a) make an application in writing; and

(b) pay a fee of £135 on the submission of the application.

^(a) 2004 c. 33.

^(b) 2004 c. 19; section 25 applies in relation to applications for permission to form a civil partnership in the United Kingdom by virtue of paragraph 2(3) of Schedule 23 to the Civil Partnership Act 2004.

(2) The information set out in Schedule 1 to these Regulations is to be contained in or provided with the application.

(3) The fee is to be paid to the Immigration and Nationality Directorate of the Home Office—

- (a) by a cheque or postal order crossed and made payable to “Home Office Certificates of Approval”; or
- (b) by means of any debit card or credit card which that Directorate accepts.

Specified classes of person

4.—(1) The following persons are specified for the purpose of paragraph 2(1)(c) of Schedule 23 to the 2004 Act—

- (a) persons who are settled in the United Kingdom; and
- (b) persons to whom Schedule 3 to the 2004 Act applies.

(2) In this regulation, “settled in the United Kingdom” has the meaning given in paragraph 6 of the immigration rules (which are the rules laid before Parliament under section 3(2) of the Immigration Act 1971(a)).

Specified registration authorities in England and Wales

5.—(1) The registration authorities in England and Wales listed in the left-hand column of Schedule 2 to these Regulations are specified for the purposes of paragraph 4(1)(a) of Schedule 23 to the 2004 Act.

(2) An employee or officer or other person provided by a specified registration authority is a “relevant individual” for the purposes of paragraph 4(1)(b) and (2) of Schedule 23 to the 2004 Act if he—

- (a) is authorised by that authority to attest notices of proposed civil partnership; and
- (b) is located at the office specified in relation to that authority in the right-hand column of Schedule 2 to these Regulations.

Specified registration districts in Scotland

6. Every registration district in Scotland is specified for the purposes of paragraph 9(1)(a) of Schedule 23 to the 2004 Act.

Prescribed registrars in Northern Ireland

7. The registrar of every register office in Northern Ireland is prescribed for the purposes of paragraph 13(1)(a) of Schedule 23 to the 2004 Act.

Amendment to the Immigration (Procedure for Marriage) Regulations 2005

8.—(1) The Immigration (Procedure for Marriage) Regulations 2005(b) are amended as follows.

(2) In Schedule 2 to those Regulations, after the words “Whether he has previously been married”, insert on both occasions “or formed a civil partnership”.

Home Office
19th October 2005

Tony McNulty
Minister of State

(a) 1971 c. 77.
(b) S.I. 2005/15

SCHEDULE 1

Regulation 3

INFORMATION TO BE CONTAINED IN OR PROVIDED WITH AN APPLICATION FOR PERMISSION TO FORM A CIVIL PARTNERSHIP IN THE UNITED KINGDOM

(a) Information to be provided in respect of the applicant

Name

Date of birth

Name at birth (if different)

Nationality

Full postal address

Daytime telephone number

Passport or travel document number

Home Office reference number

Current immigration status

Date on which current leave to enter or remain in the United Kingdom was granted

Date on which that leave expires

Whether he has previously been married or formed a civil partnership, and if so, information showing that he is now free to form a civil partnership

Two passport-sized photographs

Passport or travel document

(b) Information to be provided in respect of the other party to the proposed civil partnership

Name

Date of birth

Name at birth (if different)

Nationality

Full postal address

Daytime telephone number

Passport or travel document number

Whether he is subject to immigration control and, if so:

Home Office reference number

Current immigration status

Date on which current leave to enter or remain in the United Kingdom was granted

Date on which that leave expires

Whether he has previously been married or formed a civil partnership, and if so, information showing that he is now free to form a civil partnership

Two passport-sized photographs

Passport or travel document

SCHEDULE 2

Regulation 5

SPECIFIED REGISTRATION AUTHORITIES IN ENGLAND & WALES

<i>Specified registration authorities</i>	<i>Offices specified in relation to specified registration authorities</i>
The London Borough of Barking and Dagenham	The register office for Barking and Dagenham
The London Borough of Barnet	The register office for Barnet
City of Birmingham	The register office for Birmingham
Borough of Blackburn with Darwen	The register office for Blackburn with Darwen
London Borough of Brent	The register office for Brent
City of Brighton and Hove	The register office for Brighton and Hove
City of Bristol	The register office for Bristol
County of Cambridgeshire	The register office for Cambridge
London Borough of Camden	The register office for Camden
City and County of Cardiff	The register office for Cardiff
County of Ceredigion	The register office for Cardiganshire North
County Borough of Conwy	The register office for Aberconwy
County of Cornwall	The register office for Truro
City of Coventry	The register office for Coventry
London Borough of Croydon	The register office for Croydon
County of Cumbria	The register office for Carlisle or the register office for Kendal
County of Devon	The register office for Exeter
London Borough of Ealing	The register office for Ealing
London Borough of Enfield	The register office for Enfield
County of Essex	The register office for Colchester
County of Gloucestershire	The register office for Gloucester
London Borough of Greenwich	The register office for Greenwich
London Borough of Hackney	The register office for Hackney
London Borough of Hammersmith and Fulham	The register office for Hammersmith and Fulham
County of Hampshire	The register office for Hampshire North
London Borough of Haringey	The register office for Haringey
London Borough of Harrow	The register office for Harrow
London Borough of Havering	The register office for Havering
County of Hertfordshire	The register office for Dacorum
London Borough of Hillingdon	The register office for Hillingdon
London Borough of Hounslow	The register office for Hounslow
Royal Borough of Kensington and Chelsea	The register office for Kensington and Chelsea
County of Kent	The register office for Kent
City of Kingston upon Hull	The register office for Hull

Royal Borough of Kingston upon Thames	The register office for Kingston upon Thames
London Borough of Islington	The register office for Islington
London Borough of Lambeth	The register office for Lambeth
City of Leeds	The register office for Leeds
City of Leicester	The register office for Leicester
London Borough of Lewisham	The register office for Lewisham
County of Lincolnshire	The register office for Lincolnshire
City of Liverpool	The register office for Liverpool
Borough of Luton	The register office for Luton
City of Manchester	The register office for Manchester
London Borough of Merton	The register office for Merton
Borough of Middlesbrough	The register office for Middlesbrough
Borough of Milton Keynes	The register office for Milton Keynes
City of Newcastle upon Tyne	The register office for Newcastle upon Tyne
London Borough of Newham	The register office for Newham
County of Norfolk	The register office for Norwich
County of Northamptonshire	The register office for Northampton
City of Nottingham	The register office for Nottingham
County of Oxfordshire	The register office for Oxfordshire
County of Pembrokeshire	The register office for Pembrokeshire
City of Peterborough	The register office for Peterborough
City of Plymouth	The register office for Plymouth
County of Powys	The register office for Mid Powys
Borough of Reading	The register office for Reading
London Borough of Redbridge	The register office for Redbridge
City of Sheffield	The register office for Sheffield
County of Shropshire	The register office for Shropshire
Borough of Slough	The register office for Slough
City of Southampton	The register office for Southampton
London Borough of Southwark	The register office for Southwark
City of Stoke on Trent	The register office for Stoke on Trent
County of Suffolk	The register office for Bury St Edmunds
County of Surrey	The register office for North Surrey
City and County of Swansea	The register office for Swansea
Borough of Swindon	The register office for Swindon
London Borough of Tower Hamlets	The register office for Tower Hamlets
London Borough of Waltham Forest	The register office for Waltham Forest
London Borough of Wandsworth	The register office for Wandsworth
City of Westminster	The register office for Westminster
County of West Sussex	The register office for Crawley
County Borough of Wrexham	The register office for Wrexham

EXPLANATORY NOTE

(This note is not part of the Regulations)

Schedule 23 to the Civil Partnership Act 2004 (“the 2004 Act”) makes provision for certain procedures to be followed where a civil partnership is to be formed in the United Kingdom and a party to the proposed civil partnership is subject to immigration control. These procedures are additional to the standard procedures to be followed by all couples prior to formation of a civil partnership.

If the civil partnership is to be formed in England and Wales, paragraph 4(1) of Schedule 23 requires that the notice of proposed civil partnership must be given to a specified registration authority and must be delivered to the relevant individual in person by the two proposed civil partners. If the civil partnership is to be formed in Scotland, paragraph 9(1) of Schedule 23 requires that notice must be given to the district registrar of a specified registration district, and similarly if the civil partnership is to be formed in Northern Ireland, paragraph 13(1) of Schedule 23 requires that notice must be given to a prescribed registrar.

Paragraph 2(1) of Schedule 23 provides that the fact that notice of proposed civil partnership has been given must not be recorded in the register unless the person to whom notice is given is satisfied that the person subject to immigration control either (a) has an entry clearance granted expressly for the purpose of enabling him to form a civil partnership in the United Kingdom, (b) has the written permission of the Secretary of State to form a civil partnership in the United Kingdom, or (c) falls within a class specified in regulations made by the Secretary of State.

Paragraph 2(3) of Schedule 23 applies section 25 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (which enables the Secretary of State by regulations to make provision in relation to applications for permission to marry in the United Kingdom) in relation to applications for permission to form a civil partnership in the United Kingdom.

These Regulations make provision in relation to these procedures.

Regulation 3 makes provision in relation to applications for the written permission of the Secretary of State to form a civil partnership in the United Kingdom. An application must be made in writing and contain the information set out in Schedule 1, and must be accompanied by a fee of £135.

By regulation 4, persons who are settled in the United Kingdom (as defined in paragraph 6 of the Immigration Rules) and persons to whom Schedule 3 of the 2004 Act (registration by former spouses one of whom has changed sex) applies are specified for the purpose of paragraph 2(1)(c) of Schedule 23 to the 2004 Act.

By regulation 5(1), the registration authorities in England and Wales listed in the left-hand column of Schedule 2 are specified for the purposes of paragraph 4(1) of Schedule 23 to the 2004 Act, and regulation 5(2) defines the relevant individual to whom notice must be delivered by reference to the register offices listed in the right-hand column of Schedule 2. By regulation 6 every registration district in Scotland is specified for the purposes of paragraph 9(1) of Schedule 23 to the 2004 Act, and by regulation 7 the registrar of every register office in Northern Ireland is prescribed for the purposes of paragraph 13(1) of Schedule 23 to the 2004 Act.

Regulation 8 makes a minor amendment to the Immigration (Procedure for Marriage) Regulations 2005, to require that applications for permission to marry in the United Kingdom contain information about any previous civil partnerships.

Regulations 4 to 8 (and Schedule 2) will come into force on 5th December 2005, the commencement date for the substantive provisions of the 2004 Act. Regulations 1 to 3 (and Schedule 1) will come into force on 14th November 2005 to enable persons subject to immigration control to make an advance application for the written permission of the Secretary of State to form a civil partnership in the United Kingdom after substantive commencement of the 2004 Act.

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