EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (PROCEDURE FOR MARRIAGE) REGULATIONS 2011

2011 No. 2678

THE IMMIGRATION (PROCEDURE FOR FORMATION OF CIVIL PARTNERSHIPS) REGULATIONS 2011

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1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations update the lists of specified registration districts in England and Wales and the registration authorities in England and Wales that appear in Schedule 1 to the Immigration (Procedure for Marriage) Regulations 2005 and Schedule 2 to the Immigration (Procedure for Formation of Civil Partnerships) Regulations 2005. The lists have been updated to reflect changes made by some local authorities in England and Wales to the organisation of their registration service. The revised information enables persons who are subject to immigration control within the UK to continue to give notice of marriage and civil partnership within those local authority areas that have made organisational changes.

2.2 These Regulations also reflect the withdrawal of the requirement to seek the Secretary of State's permission to marry and form a civil partnership following the Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2011.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Section 19(2)(a) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 provides that where a marriage is to be solemnised in England and Wales, notices under section 27 of the Marriage Act 1949 must be given to the superintendent registrar of a registration district. Paragraph 4(1) of Schedule 23 to the Civil Partnership Act 2004 provides for notices of proposed civil partnerships to be formed in England and Wales to be given in a specified registration

authority at a specified register office. The registration districts specified for the purposes of giving notice of marriage were first listed in the Immigration (Procedure for Marriage) Regulations 2005 (S.I. 2005/15). The register offices for the purposes of giving notice of civil partnership were first listed in the Immigration (Procedure for Formation of Civil Partnerships) Regulations 2005 (S.I. 2005/2917). These Regulations revoke and replace the earlier Regulations.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Seventeen of the original specified registration districts in England and Wales, along with their register offices, have been abolished as a result of the local authority in which the district is sited reorganising the delivery of its local registration service. The relevant local authorities have amalgamated the registration districts within their area to form a single new registration district with a boundary that is coterminous with the local authority area, and creating a new district register office. This impacts on the specified registration authorities in England and Wales as the register offices specified in relation to those authorities no longer exist.

7.2 The lists of specified registration districts and registration authorities in England and Wales have been updated to reflect the local changes to the registration districts and the register offices specified in relation to the registration authorities.

7.3 The changes within the Regulations are administrative and non controversial. They are required to ensure that persons subject to immigration control are able to enter into a marriage or a civil partnership in England and Wales by giving notice at a location specified for that purpose.

8. Consultation outcome

8.1 The amendments are administrative within the local authority structure and as such consultation on these Regulations was not necessary save for the statutory consultation required under sections 20(4), 22(2) and 24(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 for the Immigration (Procedure for Marriage) Regulations 2011 and paragraphs 4(4), 9(2)

and 13(2) of Schedule 23 to the Civil Partnership Act 2004 for the Immigration (Procedure for Formation of Civil Partnerships) Regulations 2011.

9. Guidance

9.1 Couples will be advised by local authorities where they are required to give notice. The list of specified registration districts and register offices is available on the Directgov website.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is minimal, as the geographical location of the successor register office for the registration districts/authorities in England and Wales has changed in only six instances. There will be marginal displacement of work from the relocation of designated register offices in England and Wales.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Government has no specific targets in this area as the changes reflect organisational changes that are the within the remit of local authorities.

13. Contact

Alison Bennett at the UK Border Agency (tel. 020 8760 2973 or e-mail: Alison.Bennett@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.