



Giving notice of marriage or civil partnership

On 2 March 2015, major changes to the process for giving notice of marriage or civil partnership came into effect. All couples now have to complete a notice period of 28 days before they will be able to marry or form a civil partnership in Scotland. For couples where one or both of the parties is a non-EEA national with limited or no immigration status, the Home Office may extend the notice period to 70 days to investigate whether the case is a sham.

Couples who are planning a marriage or civil partnership in Scotland should read the following advice to see how these changes affect them.

On 2 March 2015, a new scheme to tackle sham marriages and civil partnerships in the UK was introduced. A sham marriage or civil partnership is entered into by a couple who are not in a genuine relationship in order to seek to obtain an immigration advantage for one or both of them.

Investigation of sham marriages and civil partnerships

If you and/or your partner are a non-EEA national with limited or no immigration status in the UK, or if you or your partner do not provide specified evidence of your immigration status, your proposed marriage or civil partnership will be referred to the Home Office and your notice period may be extended to 70 days. In giving notice you should therefore allow sufficient time before the date of your planned marriage or civil partnership recognising that 70 days notice may be required.

Registrars are required to refer all marriage and civil partnership notices to the Home Office if one or both of the parties is a non-EEA national who does not provide specified evidence that they have (a) settled status in the UK (Indefinite Leave to Enter or Remain), (b) an EU law right of permanent residence in the UK, (c) a marriage or civil partnership visa, or (d) exemption from immigration control (e.g. with the right of abode in the UK). Registrars are required to tell a couple where their proposed marriage or civil partnership is to be referred to the Home Office under the scheme and to explain to them the implications of this.

The Home Office may decide to extend the 28 day notice period to 70 days where a sham marriage or civil partnership is suspected. The Home Office will inform both parties and the registrar in writing of the decision as to whether, if the registrar is otherwise content that they can do so, the couple can proceed with their marriage or civil partnership after 28 days or whether their notice period has been extended to 70 days.

If your notice period is extended to 70 days, you will be required to comply with a Home Office investigation. If you do not comply with the investigation, you will be unable to marry or enter into a civil partnership on the basis of that notice.



Home Office

Other changes

From 2 March 2015:

- All marriages and civil partnerships in Scotland are now subject to a minimum notice period of 28 days. You should ensure you allow sufficient time for this. If you and/or your partner are non-EEA nationals, the notice period may be extended to 70 days and you should allow sufficient time before the date of your planned marriage or civil partnership.
- When giving notice of marriage or civil partnership, you will need to provide evidence of your name, date of birth, nationality and place of residence. Depending on your nationality and immigration status, you may also be required to provide additional information, evidence and photographs. You should check with the registration office before you submit notice.
- Parties to a marriage or civil partnership who are not British, Swiss or EEA nationals must complete a Home Office Declaration of Immigration Status form which should accompany the marriage notice form. Registrars will not accept notice without the completed Declaration form.