

# **MARRIAGE ACT 1949**

## **CIVIL PARTNERSHIP ACT 2004**

### The Marriages and Civil Partnerships (Approved Premises) Regulations 2005

#### NOTES FOR APPLICANTS ON RENEWAL

These notes should be read carefully before completing and submitting application for renewal of approval of a venue for Civil Marriages and Civil Partnerships. Please note that any approval for the use of the premises does not confer the authority to perform a wedding/civil partnership ceremony on the approval holder – it is the Registrars Officers who will perform the ceremony. Applications must be made by either the proprietor of a freehold or leasehold interest or trustee of the premises for which approval is sought, and any approval granted will be transferable in the event that the approval holder loses his interest in the premises.

Approval will be valid for 3 years from the date of issue. Any application for renewal should be made not less than 6 months and not more than 12 months before expiry of the existing approval.

The Authority may revoke the approval if the conditions attached to the approval are not met.

There is fee for renewal plus a fee for advertising payable with the application and is not returnable.

In considering the suitability of a premises as a venue the local authority will have regard to the following guidance from the Registrar General:

1. The law is intended to allow civil marriages/partnership formations to take place regularly in hotels, stately homes, civic halls and similar premises without compromising the fundamental principles of English marriage law and Parliament's intention to maintain the solemnity of the occasion. The term premises means a permanently immovable structure comprising at least a room, or any boat or other vessel which is permanently moored. Certain premises would not be suitable for approval, (see Annex A).
2. Marriages and civil partnership formations must take place in readily identifiable premises. This will preclude proceedings from taking place in the open air, in a tent, marquee or any other temporary structure and most forms of transport.
3. Marriages and civil partnership formations must be solemnised in premises with open doors, which the Registrar General interprets to mean that the public must have unfettered access to witness the proceedings and make objections prior to or during the ceremony.
4. A private house is unlikely to be an appropriate venue for civil marriage/partnership ceremonies. It would not be known to the public as a venue for such proceedings or regularly available for use.
5. The primary use of a building would also render it unsuitable if that use could demean marriage or bring it into disrepute.
6. The secular nature of a civil marriage/civil partnership precludes the use of any building with a recent or continuing religious connection. This effectively rules out any building or room whose description, purpose or appearance is still considered to be linked with religion. A chapel in a stately home and a building containing furniture or fittings associated with a place of religious worship, or which has stained-glass windows depicting a religious image are examples of a continuing religious connection. However, premises in which a religious group meets occasionally may be suitable if the primary use of the premises is secular.
7. Marriages/civil partnerships on approved premises may be followed by a celebration, commemoration or blessing of the couple's choice, providing that it is not a religious ceremony and is separate from the civil ceremony. However, if a religious blessing were regularly to follow the proceedings on a particular premises, or be considered part of the service being offered on the

premises, this may well be a religious connection which would breach the requirements and lead to the local authority having to consider revoking the approval.

### Annex A

There is a non-refundable fee for this application and a fee for the public notice which shall be completed by the local authority, which must be submitted with the application to the Head of Democratic Services c/o Licensing Office, Newington Road East, Newcastle upon Tyne, NE6 5BD.

The application must be made by the proprietor or trustees of the premises. When an application is made on behalf of a limited company a separate statement containing the names and addresses of all the directors must be attached to the application.

The premises must fulfil the following standard requirements contained in Schedule 1 to the Regulations: They are as follows:

1. Having regard to their primary use, situation, construction and state of repair, the premises must, in the opinion of the authority, be a seemly and dignified venue for the proceedings
2. The premises must be regularly available to the public for use for -
  - (a) the solemnization of marriages; or
  - (b) the formation of civil partnerships.
3. The premises must have the benefit of such fire precautions as may reasonably be required by the authority, having consulted with the fire authority (or, in England, fire and rescue service), and such other reasonable provision for health and safety of persons employed in or visiting the premises as the authority considers appropriate.
4. The premises must not be -
  - (a) religious premises as defined by section 6(2) of the Civil Partnership Act 2004;
  - (b) a register office, but this paragraph does not apply to premises in which a register office is situated, provided that the room which is subject to approval is not the same room as the room which is the register office.
5. The room or rooms in which the proceedings are to take place if approval is granted must be identified by description as a distinct part of the premises.

## Annex B

### Conditions to be attached to grants of approval

1. The holder of the approval must ensure that there is at all times an individual with responsibility for ensuring compliance with these conditions (“the responsible person”) and that the responsible person’s occupation, seniority, position of responsibility in relation to the premises, or other factors (his “qualification”), indicate that he is in a position to ensure compliance with these conditions.
2. The responsible person or, in his absence, an appropriately qualified deputy appointed by him, shall be available on the premises for a minimum of one hour prior to and throughout each of the proceedings.
3. The holder must notify the authority –
  - (a) of his name and address immediately upon him becoming a holder of an approval under regulation 7(2); and
  - (b) of the name, address and qualification of the responsible person immediately upon the appointment of a new responsible person.
4. The holder must notify the authority immediately of any change to any of the following –
  - (a) the layout of the premises, as shown in the plan submitted with the approved application, or in the use of the premises;
  - (b) the name or full postal address of the approved premises;
  - (c) the description of the room or rooms in which the proceedings are to take place;
  - (d) the name or address of the holder of the approval; and
  - (e) the name, address or qualification of the responsible person.
5. The approved premises must be made available at all reasonable times for inspection by the authority.
6. A suitable notice stating that the premises have been approved for the proceedings and identifying and giving directions to the room in which the proceedings are to take place must be displayed at each public entrance to the premises for one hour prior to and throughout the proceedings.
7. No food or drink may be sold or consumed in the room in which the proceedings take place for one hour prior to or during those proceedings.
8. All proceedings must take place in a room which was identified as one to be used for that purpose on the plan submitted with the approved application.
9. The room in which the proceedings are to take place must be separate from any other activity on the premises at the time of the proceedings.
10. The arrangements for and content of the proceedings must meet with the prior approval of the superintendent registrar of the district, or the registration authority of the area, as the case may be, in which the approved premises are situated.
11. (1) Any proceedings conducted on the approved premises shall not be religious in nature.  
(2) In particular, the proceedings shall not –
  - (a) include extracts from an authorised religious marriage service or from sacred religious texts;
  - (b) be led by a minister of religion or other religious leader;
  - (c) involve a religious ritual or series of rituals;
  - (d) include hymns or other religious chants; or,
  - (e) include any form of worship.

(3) But the proceedings may include readings, songs, or music that contain an incidental reference to a god or deity in an essentially non-religious context.

(4) For this purpose any material used by way of introduction to, in any interval between parts of, or by way of conclusion to the proceedings shall be treated as forming part of the proceedings.

12. Public access to any proceedings in approved premises must be permitted without charge.
13. Any reference to the approval of premises on any sign or notice, or on any stationery or publication, or within any advertisement may state that the premises have been approved by the authority as a venue for marriage in pursuance of section 26(1)(bb) of the 1949 Act and the formation of civil partnerships under section 6(3A)(a) of the 2004 Act but shall not state or imply any recommendation of the premises or its facilities by the authority, the Registrar General or any of the officers or employees of either of them.
14. If a change of name to the approved premises occurs after the issue of the certificate for marriage or the civil partnership document but before the proceedings, the former name of the approved premises as recorded in the certificate for marriage or the civil partnership document shall remain valid for its duration for the purpose of the proceedings.

## Annex C

### **Renewal**

1. The holder may apply for the renewal of an approval when the current approval has between six and twelve months to run. An application for renewal made within this period will extend the current approval until the application has finally been dealt with. A renewal will run from the expiry date of the current approval.

### **Revocation**

2. The authority may revoke an approval if it is satisfied, after considering any representation from the holder, that the use or structure of the premises has changed so that any of the standard or local requirements cannot be met or the holder has failed to comply with one or more of the local conditions attached to the approval.
3. The Registrar General may direct the authority to revoke an approval if, in his opinion and after considering any representation by the holder, there have been breaches of the law relating to marriage/civil partnership on the premises.
4. When an approval has been revoked the regulations require the former holder to notify any couples who had arranged to marry/form a civil partnership on the premises.

### **Reviews**

5. An applicant may seek a review by the local authority of its decision to refuse grant of approval, to attach local conditions, to refuse to renew an approval or to revoke an approval.
6. The review must be carried out by a different officer, committee or sub-committee which made the decision which is being appealed against. The review panel may confirm the decision, rescind it or vary it with the imposition of fresh or further conditions.
7. The authority may charge an additional fee for a review of its decision to refuse to grant an approval, to attach local conditions or to refuse to renew an approval.
8. A direction by the Registrar General to revoke an approval is not subject to review by the authority.

### **Registration**

9. Details of approved premises will be held for public inspection by the authority. These details will be copied to the superintendent registrar of the district where the premises are situated and to the Registrar General who will periodically circulate the details to all superintendent registrars.