

Policy Document

The Marriage Act 1949, Civil Partnerships Act 2004 The Marriages and Civil Partnerships (Approved Premises) Regulations 2005

Requirements For The Grant Of Approval

The Marriage and Civil Partnerships (Approved Premises) Regulations 2005 govern the criteria and procedure to be adopted by Local Authorities in considering applications for the approval of premises to be used as venues for the solemnisation of marriages and formation of civil partnerships.

Types Of Premises

1. The law is intended to allow civil marriages and partnerships to take place regularly in hotels, stately homes, civic halls and similar prestigious buildings without comprising the fundamental principles of English law and Parliament's intention to maintain the solemnity of the occasion. The term "premises" as defined in the Regulations means that certain buildings may not be suitable for approval.
2. Marriages/partnerships must take place in readily identifiable buildings. This will preclude marriages/partnerships from taking place in the open air, in a tent, marquee or any other temporary structure and in most forms of transport.
3. Marriages/partnerships must be solemnised in premises with open doors. It would therefore be inappropriate for approval to be granted for premises where the public do not have unfettered access to witness the marriage/partnership and make objections prior to or during the ceremony.
4. A private house would not be an appropriate venue for civil marriages/partnerships. The primary use of the premises would make it unsuitable. It would not be regularly available to the public for use as a marriage/partnership venue and it is unlikely that the fire, health and safety requirements would be satisfied.
5. The primary use of a building would also render it unsuitable if that use could demean marriage/partnerships or bring it into disrepute.
6. The secular nature of civil marriage/partnerships precludes the use of any building with a recent or continuing religious connection. This will apply to any building or room, which is still considered to be linked by name, purpose or architecture to a religion. A chapel in a stately home, a disused church and a building with 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.

Criteria For Approval

In considering an application for approval the Council may grant an approval if it is satisfied:

1. That the application for approval is in accordance with the Regulations of the Act.
2. That the premises fulfil the requirements as set out below:-
 - (a) having regard to their primary use, situation, construction and state of repair, be a seemly, dignified and prestigious venue for the regular solemnisation of marriages or the registration (formation) of civil marriages/partnerships;
 - (b) have the benefit of planning permission which allows use of the premises for the regular solemnisation of civil marriages or the registration (formation) of civil partnerships;
 - (c) have the benefit of adequate fire precautions and other appropriate provision for the health and safety of persons employed in and visiting the premises;
 - (d) the premises must not be:
 - (i) religious premises as defined by section 6(2) of the Civil Partnership Act 2004;*
 - (ii) the 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.
 - (e) The room or rooms in which the proceedings (marriage or civil partnership) will be held if approval is granted must be identifiable by description as a distinct part of the premises.

*"Religious premises" means premises which are used solely or mainly for religious purposes or have been so used and have not subsequently been used solely or mainly for other purposes.

The premises must also fulfil the following requirements set by the Authority:

3. That the following requirements of Stockton-On-Tees Borough Council are met and observed:-
 - (a) It is intended that marriages/civil partnerships at approved premises will be restricted to the hours between 8am and 6pm (weekday ceremony will normally take place within the core hours of 9am and 5pm).
 - (b) The room, which has been identified, as one intended to be used for the solemnisation of civil marriages and the registration of civil partnerships, must be furnished with a table or desk and chairs for the Registrar(s) and enough seating for all the guests.
 - (c) In accordance with the Council's commitment to equal opportunities the Council requires that approved premises must have:-
 - (i) appropriate access for people with disabilities;
 - (ii) an induction loop installed in the room(s) to be used for the solemnisation of marriages/partnerships.
 - (d) An additional separate room should be made available for the Registrar(s) prior to the ceremony to interview the couple entering into a civil marriage/partnership.

There are standard conditions, which must be attached upon the Grant of Approval. These are set out in Schedule 2 of the Regulations and are as follows:-

1. **Standard Conditions**

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 the 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 and 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 the 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. Any proceedings conducted on approved premises shall not be religious in nature.

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.

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.

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 partnership 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.
15. In the case of a Civil Partnership, although the Civil Partnership Act 2004 is concerned purely with the Registration (Formation) of a Civil Partnership, Stockton Council requests that a couple is offered a ceremony, in addition to the registration, if so desired.

Local Discretionary Conditions

The Council's previously described local discretionary criteria for Grant of Approval must be observed at all times. In addition the Council reserves the right to attach further conditions as appropriate.

Application Procedure

1. Any proprietor of a freehold or leasehold interest or trustee of premises who desires to obtain an approval shall deliver to the Licensing Service, Municipal Buildings, Church Road, Stockton-On-Tees, TS18 1LD the following:
 - (i) an application in writing on the application form provided by the Council (application form attached);
 - (ii) the fee determined in accordance with Council policy;
 - (iii) a plan of the premises which is drawn to such a scale as clearly identifies the room or rooms in which civil marriage/partnership ceremonies are intended to be performed, and
 - (iv) the name, address and “qualification” of the proposed responsible person.
2. As soon as practicable after receiving an application, the Council shall inspect the premises and shall consider whether each of the requirements set out in this document are met. In this connection, the Council shall make enquiries of and seek advice from the Fire Authority for the area in which the premises are situated, the Health & Safety Officer and such other bodies or parts of the Council itself as it thinks fit. The Council shall also seek and have regard to the recommendation of the Proper Officer and Superintendent Registrar.
3. As soon as it is practicable after receiving an application, the Council shall give public notice of the application for approval by advertisement in some newspaper circulating at least once a week in the area in which the premises is situated.
4. Such publication shall:-
 - (i) identify the premises and the applicant in question;
 - (ii) indicate a location at which the application and the plan accompanying it may be inspected at reasonable hours during the working day, and
 - (iii) notify the public of their right to object in writing within 21 days from the appearance of the publication to the Grant of Approval and the address to which such objection should be sent.
5. Any such objection shall be in writing and will state the reasons for objection which will be considered by the Council as soon as practicable after receipt and before it reaches a final decision upon the application.
6. The Council shall notify the applicant and any objector in writing, of its final decision as soon as practicable. If that decision is unfavourable to the applicant or any objector, the Authority shall set out in its notification to that person its reasons for reaching that decision. If approval is refused, it shall also notify the applicant of the right to seek a review.

Expiry And Renewal Of Approval

1. Provided the approval is not revoked by the Council an approval shall be valid for a period of five years.
2. Without prejudice to the provisions of the Regulations as to the duration or revocation of approval or any condition as to notification of change of ownership, any Grant of Approval shall endure for the benefit of the premises and of all persons for the time being interested in them.

3. Any approval shall only be renewable upon written notice given by the holder to the Registration Manager not less than six months or more than twelve months before it is due to expire.
4. The Proper Officer has determined that the procedure to be followed by the applicant and the Council in connection with an application for renewal of approval, shall be the same as for an application for the Grant of Approval.

Revocation Of Approval

1. The Council may revoke an approval if it is satisfied, after considering any representations 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 standard or local conditions attached to the approval.
2. The Registrar General may direct the Council to revoke an approval if, in his opinion and after considering any representations from the holder, there have been breaches of the law relating to marriage on the approved premises.
3. When an approval has been revoked the regulations require the former holder to notify any couples who had arranged to marry on the premises.

Reviews

1. An applicant who is aggrieved in relation to one or more of the following matters may seek review of:
 - (a) the refusal of an approval, or
 - (b) the attaching of any local discretionary conditions.
2. The holder of an approval who is aggrieved in relation to one or more of the following matters may seek review of:-
 - (a) a refusal to renew that approval, or
 - (b) a decision to revoke the approval, otherwise than under paragraph 2 above.
3. Any such review shall lie to a Panel of elected Members of the Council. The procedure to be followed by such Panel as shall be determined by the Panel itself. The Panel may confirm the decision, rescind it or vary it with the imposition of fresh or further conditions.
4. The Registrar General shall consider representations from the holder of an approval before the Council directs the revocation of the approval.
5. A direction by the Registrar General to revoke an approval is not subject to review by the Council.

Registers Of Approved Premises

1. The Proper Officer shall, within seven days thereof, notify the Registrar General of the grant, renewal or revocation of an approval and provide to him the information entered in the "Register of Approved Premises".
2. The Proper Officer shall keep the Register of Approved Premises containing:-
 - (a) the name and full postal address of the approved premises;
 - (b) the description of the room or rooms in which civil marriages are to be solemnised or the registration (formation) of civil partnerships;

- (c) the name and address of the holder of the approval;
- (d) the date of grant, renewal or revocation of approval;
- (e) the due date of expiry of that approval, and
- (f) the name, address and occupation of the responsible person.

and shall amend that Register on notification that any of the above information has changed.

3. The Register shall be open to public inspection during normal working hours.
4. The Register shall be kept in permanent form, which may include its maintenance on a computer.
5. The Register will be kept at the following address:-

Licensing Service
Municipal Buildings
Church Road, Stockton-On-Tees. TS18 1LD

Fees

1. The Council is entitled to set and charge such fee for the grant or renewal of an approval as it considers appropriate, provided that the fee charged in respect of anything done or included shall not exceed an amount which reasonably represents the costs incurred, or to be incurred by the Council in determining the application.

The fee with effect from 1st April is £1000.

2. The Superintendent Registrar before whom a solemnization of civil marriage or registration (formation) of civil partnership in approved premises shall receive from the parties marrying/registering, a fee of an amount determined by the Council as reasonably representing the cost to it of a Registrar and the Superintendent Registrar or Civil Partnership Registrar's attendance.
3. The current fees* are as follows:-

Monday - Thursday	£345.00
Friday	£390.00
Saturday	£495.00
Sunday	£535.00
Bank Holiday	£535.00

(*These fees are subject to an annual review, please contact the Register Office for current fees)

Reviews

1. The fee for a review of an application following a refusal by the Council to grant or renew an approval is with effect from 1st April is £400.00.
2. The additional fee payable when a review is requested will be determined on the same basis as the fee for the application for approval and renewal but shall not apply to a review of a decision to revoke an approval.
3. Customs and Excise have advised that all these fees are exempt from VAT because they relate to a non-business activity by a Local Authority.

All the fees levied by the Council will be reviewed annually.