

1. Introduction

1.1 This guidance is issued by the Registrar General for England and Wales in accordance with her duties under the Marriage Act 1949 and the Civil Partnership Act 2004. The guidance supplements the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 as amended¹ (“the 2005 Regulations”) to provide the public, local authorities, registration officers and faith groups with information on the regime to approve premises for the solemnization of civil marriages and the registration of civil partnerships.

1.2 The guidance focuses on the detailed processes for the approval of premises and the conditions associated with an approval. It is not intended to provide information more generally on the legal requirements for marriage and civil partnership in England and Wales. Nor does it cover the approvals process for the certification of places of worship or registration of the same for religious marriage. Further information on marriage or civil partnerships can be accessed on the Direct Gov website - <http://www.direct.gov.uk/en/index.htm>

1.3 This guidance is in four parts:

- **Part One** provides generic guidance that applies to all premises that are to be approved for civil marriages and civil partnerships, or religious premises to be approved for civil partnerships only;
- **Part Two** provides additional guidance that is specific to the approval of secular premises for civil marriages and civil partnerships;
- **Part Three** provides additional guidance that is specific to the approval of religious premises for civil partnerships; and.
- **Part Four** provides other guidance for couples wishing to solemnize a marriage or register a civil partnership on approved premises and gives information about the designation of civil partnership registrars.

1.4 The relevant primary legislation that provides for the approval of premises for civil marriages and civil partnerships can be accessed through the following links:

Marriage Act 1949

<http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/76/contents>

Civil Partnership Act 2004

<http://www.legislation.gov.uk/ukpga/2004/33/contents>

The Marriages and Civil Partnerships (Approved Premises) Regulations 2005

<http://www.legislation.gov.uk/uksi/2005/3168/contents/made>

The Marriages and Civil Partnerships (Approved Premises)(Amendment) Regulations 2011

<http://www.legislation.gov.uk/uksi/2011/2661/contents/>

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

¹The 2005 Regulations were amended in December 2011 by the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 (S.I. 2011/2661)

2. Part One – Generic guidance

GUIDANCE FOR THE APPROVAL OF PREMISES AS VENUES FOR MARRIAGES UNDER SECTION 26(1)(bb) OF THE MARRIAGE ACT 1949 AND FOR CIVIL PARTNERSHIPS UNDER SECTION 6(3A)(a) OF THE CIVIL PARTNERSHIP ACT 2004

2.1 The Regulations refer to “proceedings”, defining these as the solemnization of marriages or the registration of civil partnerships and this guidance uses this term, where appropriate. It also refers to registration authorities and local authorities as “authorities”.

Types of premises

2.2 The laws relating to “approved premises” are intended to allow proceedings to take place regularly in hotels, stately homes, civic halls, similar premises and religious premises without compromising the solemnity of the occasion.

2.3 “Premises” are defined in the 2005 Regulations as a permanently immovable structure comprising at least a room or any boat or other vessel which is permanently moored. Any premises outside this definition, such as the open air, a tent, marquee or any other temporary structure and most forms of transport, would not be eligible for approval. In addition, there are other statutory requirements that must be met before an approval can be granted.

2.4 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, which must take place in a room or rooms that are identifiable by description as a distinct part of those premises. The primary use of a building would render it unsuitable if that use could demean proceedings or bring them into disrepute.

2.5 The premises must not be any part of a register office on the plan submitted by the authority and approved by the Registrar General under the Registration Service Act 1953. Any rooms in the same premises as the register office that aren’t on this plan, e.g. a council chamber in the same town hall, can be approved but a room in a register office cannot be approved.

2.6 Premises that are religious premises (as defined by section 6A(3C) of the Civil Partnership Act) may not be approved for civil marriages. Following amendments to the 2005 Regulations made in December 2011, they may now be approved for the registration of civil partnerships. Further guidance about the type of religious premises that may be approved is provided in paragraph 4.1 of this document.

Other requirements before an application can be considered

2.7 In addition to being satisfied that the requirements relating to the type of premises are met, the authority will want to be satisfied that the fire assessment in place at the premises is suitable for the intended purpose. The authority will also want to be content that no planning permission is necessary for the use of the venue for marriages or civil partnerships.

2.8 In addition to the national criteria, authorities may, if they wish, specify local requirements. These should apply to all premises within their area for which approval is sought. Though this is a matter for individual authorities it is possible that these requirements will relate, amongst other things, to disabled access, a separate room for pre-proceedings questioning by the registrar, toilet facilities, the seating capacity of the relevant room(s) and car parking provision.

The application process

2.9 To simplify the application procedure authorities are advised to introduce an application form outlining the requirements for approval. Draft application forms are provided at Annexes F and G to this guidance. **All rooms that might be used for proceedings, including those intended as a contingency, should be indicated as such on the plan that accompanies the application, as once approval is granted, proceedings may only take place in the rooms approved.** It is therefore essential that the owners of premises and local authorities ensure both the application and the approval are clear in this area.

2.10 An application for approval may be made by the proprietor or trustee of premises. The application can only be made to the local authority in which area the premises are located and a separate application should be made for each premises. Local authorities should in some way communicate that applications are to be made to the Proper Officer of the authority and more generally provide advice and information on the application process.

2.11 The applicant must provide the following to the authority:

- an application in writing, including the name and address of the applicant;
- a plan of the premises which clearly identifies the room or rooms in which the proceedings will take place if approval is granted; and
- if the authority requires - a fee to fund the approval process.

2.12 Authorities may request further information that they consider is reasonable to accompany an application. Authorities are advised to make available a standard application form to ensure they obtain the necessary information from the applicant at the earliest stage of the process.

2.13. As soon as is practicable after receiving the application authorities are required to publicise the application for a period of 21 days. This can be through:

- placing an advertisement in a local newspaper (which may be a newspaper distributed free of charge), which is in general circulation at intervals of not more than one week in the area in which the premises are situated; or
- publishing notice of the application on the authority's website.

2.14 The authority may choose to use either of these methods and may also choose to give notice of the application in other ways (although it is not obliged to do so). The notice that publicises the application must:

- identify the premises and the applicant;
- indicate the address at which the application, the plan accompanying it and any consents may be inspected;
- state that any person may give notice in writing of an objection to the grant of approval, with reasons for the objection, within 21 days from the date on which the notice is published; and
- state the address of the offices of the authority to which such notice of objection should be given.

2.15 In accordance with this notice, the authority must make the application, the plans and any consents available for public inspection during the working day. There are no restrictions on the address where applications and plans are made available for public inspection, although authorities should seek to ensure that they are in a location where policy advice on the attachment of local conditions and the review process can be given.

2.16 As soon as practicable after receiving an application the authority must inspect the premises. In respect of religious premises only it may decide not to inspect if it considers that it is not necessary (because for example the premises are already used for religious marriages). Authorities may consider the views and experience of the local superintendent registrar to be helpful at the inspection, although this would be outside his or her registration duties.

Objections

2.17 The authority must put in place a process where they are able to consider any objections to an application. The decision about whether to approve premises sits with the authority, however they need to ensure that they consider their decision in light of any objections made. It is not a matter for this guidance to provide detail on any grounds for objection, nor provide advice to authorities on the validity of any grounds as the reasons are likely to differ significantly across England and Wales.

Granting approvals

2.18 The authority may only grant approval if it is satisfied that the application has been made in accordance with the Regulations, that the premises fulfil the requirements set out in Schedule 1 or 1A to the Regulations as applicable {Annex A, or Annex B to this guidance} and that the premises fulfil any other reasonable requirements which the authority considers appropriate to ensure the facilities provided at the premises are suitable.

2.19 The authority may refuse to grant approval, or attach such additional conditions to an approval that it considers appropriate. As soon as is practicable after making a decision the authority must notify its decision in writing to the applicant and any person that has given notice of objection to the application. If approval is refused, or conditions other than the standard conditions (i.e. those set out in Schedule 2, or 2A to the Regulations {Annex C or Annex D to this guidance}), attached to the approval, the authority must notify the applicant of the right to seek a review of its decision.

2.20 If the authority has granted approval, it must provide the applicant with the standard conditions contained in Annex C or D together with any additional conditions that it has attached to the approval.

2.21 It is for the authority to determine the period of approval, although it may not be less than three years. The period starts on the date on which it is granted, unless it is revoked, extended or reinstated. If ownership of the premises changes then the new owners become the holders of the approval. The standard conditions require the holders of approvals to notify the authority immediately if there is any change to the details that were included in the application, such as a change in holder of the approval.

2.22 Immediately after the grant of the approval, the holder of the approval must tell the authority the name, address and qualification of the responsible person. The responsibilities of the responsible person are detailed in Annex C or D, but in short he or she is responsible for ensuring compliance with the standard conditions of approval.

Expiry and renewal of approval

2.23 The renewal process is the same as the approval process but can be commenced when the current approval has less than twelve months left to run. An application for renewal made within this period will if necessary, extend the approval until that application has been finally dealt with. A renewal should be expressed to take effect from the date on which the current approval expires.

2.24 If an approval expires before any application to renew is made but an application is made within one month of the expiry, the approval will be reinstated. The reinstated approval will then continue until such time as the application for renewal is finally dealt with.

2.25 **Authorities and approval holders are strongly recommended to have a reminder system to warn the holder of an approval, at least a month before it is due to expire, that an application for renewal must be made as no proceedings can take place after the expiry date.** The reminder system should also alert all officers in the authority who take notices and receive notices taken outside the authority so that any couples who may be affected can be warned. An approval can be extended or reinstated but if an application for renewal is made a month or more after expiry, the full application procedure has to be followed prior to any further approval being granted. Any proceedings arranged at the venue within that time must be postponed or moved to another venue after fresh notices have been given.

Revocation

2.26 In general an authority may revoke an approval if the holder has failed to comply with one or more conditions of the approval, or the use or structure of the premises has changed and the premises are no longer suitable for any proceedings. On deciding to revoke the approval the authority must deliver a notice in writing to the holder of the approval confirming its revocation.

2.27 The Registrar General for England and Wales may direct an authority to revoke an approval if she considers that there have been breaches of law relating to the proceedings on the approved premises. Before doing so the Registrar General must write to the holder of the approval stating the grounds on which she proposes that the approval should be revoked and providing the holder with a period of at least 14 days to make representations to her in writing. If, following consideration of any representations received, the Registrar General decides that the approval should be revoked she will direct the local authority (in writing) to do so. The authority must then revoke the approval with immediate effect and notify the holder of the approval that it has done so.

2.28 When an approval has been revoked, the holder of the approval must immediately notify any couples who had arranged proceedings on those premises that this is the case. Whilst it is not their responsibility to do so, authorities may also ask the superintendent registrar or civil partnership registrar who has accepted a booking or been given a notice of marriage or civil partnership to notify the couple that the approval has been cancelled and the certificates or schedule for the proceedings will not be issued.

Reviews

2.29 An applicant is able to seek a review of a decision made by an authority to refuse an application or a renewal, to revoke an approval (other than when directed by the Registrar General as described above) or to attach conditions other than the standard conditions (Annexes C or D). The application for review should be delivered to the proper office of the authority. The Proper Officer should ensure that the review is carried out by individuals who were not involved in the earlier decision.

2.30 On determining whether to uphold the original decision, vary the decision or substitute a different decision the authority must provide notice in writing to the applicant or holder, stating its decision, the reasons for it and, if different to the original decision, the date on which it takes effect.

Register of approved premises

2.31 Each authority must maintain an up to date register of the approved premises in its area. The register must include:

- the name and full postal address of the approved premises;
- the description of the room or rooms in which the proceedings are to take place;
- the name and address of the holder of the approval;
- the date of the granting and due date of expiry of the approval;
- if the approval is renewed, the date of renewal;
- if the approval is revoked, the date on which the revocation takes effect; and
- the name, address and qualification of the responsible person

It must also indicate which of the premises (if any) are religious premises approved for civil partnerships.

2.32 The register shall be available for public inspection during normal working hours. In practice many authorities make the register available in an electronic format on their website.

2.33 It is essential that the local superintendent registrar, civil partnership registrars and the Registrar General are notified without delay of changes to the register of approved premises. **All officers in the authority who take notices (of marriage and civil partnership) and receive notices taken outside the authority must be notified immediately of a change of name.** The way the premises are specified in the notices may require an amendment that can only be made before the certificate or schedule is issued. Details of any changes to religious premises need not, however be delivered to superintendent registrars, though authorities as a matter of good practice should ensure that all officers that are civil partnership registrars are aware of any changes.

2.34 The Registrar General will circulate regularly details of all approved premises to every registration officer, and details are also available on the Directgov website: <http://maps.direct.gov.uk/LDGRedirect/MapAction.do?ref=weddingvenues>.

Fees

2.35 There are four fees which may be levied, at the discretion of the authority. Each fee may be set locally at any level up to the full cost of providing the service.

2.36 The fee for the application for approval and renewal can be determined in advance but cannot include any costs of a review. Authorities may choose to set classes of fees (according to the average cost of dealing with an application for all buildings or buildings of a particular type) or set individual fees according to the cost of dealing with each application.

2.37 The additional fee payable when a review is requested can be determined on the same basis as the fee for the application for approval and renewal but does not apply to a review of a decision to revoke an approval.

2.38 The fee for the attendance of the superintendent registrar and registrar at a marriage is a fee, set by the authority, which reasonably represents the costs to the authority of providing the same for a marriage solemnization.

2.39 The fee for the attendance of the civil partnership registrar at a civil partnership is a fee, set by the authority, which reasonably represents the costs to the authority of providing the same for a civil partnership registration.

2.40 Though the fees are a matter for authorities they are only able to recover their reasonable costs incurred. The fee set may be a standard fee or can differ to take account of variables such as the time of the ceremony (for example on a weekend rather than weekday), distance travelled to a venue for attending staff and so on. HM Revenue and Customs have advised that all these fees are exempt from VAT because they relate to a non-business activity of the authority.

Changes after the approval

2.41 It is not possible to outline all potential circumstances in which a change may occur after the approval. One common change might be to seek the use of an additional room (one that was not specified on the plan as being intended for proceedings) which would require a fresh approval to be granted following the same application process. Apart from where there is solely a change of holder of the approval it is likely that most instances will require a fresh approval, following the standard application process (although see further below in relation to religious premises that are shared).