



worcestershire

countycouncil

REGISTRATION SERVICE

Information to applicant for

the approval of premises as venues

for marriages and civil partnerships

REGISTRATION SERVICE

GUIDENCE AND ADVICE FOR APPLICANT FOR APPROVAL OF PREMISES FOR CIVIL CEREMONIES OF MARRIAGE AND CIVIL PARTNERSHIPS

These notes for guidance and advice suggest the most basic things you need to consider before making application for your premises to be approved. However, should you need further clarification, there is a contact number at the bottom of this form.

Before an application can be approved the premises must meet certain requirements laid down by statute and the County Council. These requirements are explained below.

If an application is approved the County Council are required by statute to attach to the approval certain standard conditions. These have been framed so that every marriage and civil partnership will comply with the legal requirements and the dignity and solemnity of the occasion will be maintained. The County Council will also attach their own standard local conditions, together with any further conditions thought necessary specific to the approval. These conditions (excluding any further conditions relating to specific applications) are set out in the attached appendix.

This guidance is issued by the Registrar General under section 46A(k) of the Marriage Act 1949, section 6A(k) of the Civil Partnership Act 2004 and Regulation 11 of the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168) and supplements the provision made by those Regulations.

Information to be Submitted

Fully completed application form.

Three plans of the premises, which clearly mark the room(s), proposed to be used for marriage ceremonies.

Required fee of £1,375. Please note this is not refundable. Cheques to be made payable to Worcestershire County Council.

A copy of the Fire Risk Assessment and a copy of any Public Entertainments Licence held and any other premises related licences held.

Evidence that planning permission has been obtained or is not required.

Suitability of Premises – Requirements

In considering the suitability of premises as a venue the County Council will have regard to the following:

- The laws relating to “approved premises” are intended to allow proceedings to take place regularly in hotels, stately homes, civic halls and similar premises without compromising the fundamental principles of English law and Parliament’s intention to maintain the solemnity of the occasion.
- Having regard to their primary use, situation, construction and state of repair, the premises must, in the opinion of the County council, be a seemly and dignified venue for the solemnization of marriages.
- The primary use of a building would also render it unsuitable that use could demean marriage or bring it into disrepute.
- The premises must be regularly available to the public for use for the solemnization of marriages.
- A private dwelling house is unlikely to be an appropriate venue for civil marriage. It would not be know to the public as a marriage venue of regularly available for their use.
- The term “premises” is defined in Regulation 2(1) 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, tent, marquee or any other temporary structure and most forms of transport, would not be eligible for approval. In addition, there are requirements in Schedule 1 that must be met before an approval can be granted.
- The premises must be a seemly and dignified venue for the proceedings, which must take place in an identifiable and 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.
- The premises must not be religious premises as defined by Section 6(2) of the Civil Partnership Act 2004. These are premises, which are used solely or mainly for religious purposes or which have been used solely or mainly for religious purposes and have not been subsequently used for other purposes. A building that is certified for public worship would fall into this category, as would a chapel in a stately home or hospice. However, premises in which a religious group meets occasionally might be suitable if the other criteria are met.
- 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. council chamber in the same town hall, can be approved but a room in a register office cannot be approved. However, an authority can set its fee for attending a marriage of civil partnership on approved premises at the same rate as the prescribed fee for a marriage or civil partnership in a register office.
- The premises will be approved for the solemnisation of marriages and the registration of civil partnerships and must be regularly available to the public for use for one or the other. Under the terms of the Equality Act (Sexual Orientation) Regulations 2007 (which came into effect on 30 April 2007) it is unlawful for a person concerned with the provision to the public of goods, facilities or services to discriminate against a person who seeks to use those goods facilities or services on the grounds of the sexual orientation of hat person. The holder of an approval who does not allow premises to be used for both marriage and civil partnership, or who provides accommodation, services or facilities for one and not the other, is liable to legal action as a result. In common with other equality legislation, this action would need to be taken by the parties concerned against the holder of the approval. The local authority that granted the approval has no powers to act or intervene, unless, of course, it is the holder of the approval.
- The public must have unfettered access to witness the marriage and make objections prior to or during the ceremony.
- 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. It would be prudent to seek the view of the fire/ fire and rescue authority as to the fire safety self-assessments offered by the premises with their application. The authority will also want to be content that now planning permission is necessary for the use of the venue for marriages or civil partnerships. However, it is likely that the great majority of applications will not require separate planning permission and the usual health and safety checks are likely to identify any concerns in this respect.
- There is no specific planning class applicable but applicants must consult with the relevant District Council and obtain any relevant planning permission.

- Access to the premises must be available for people with disabilities.
- 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.

Application Procedure

The application must be made by the proprietor or trustee of the premises. Immediately following receipt of an application the County Council will place an advertisement in a local newspaper allowing 21 days for the public to make an objection to the grant of approval.

The County council will make arrangements for the inspection of the premises.

Grant of Approval

The grant of approval by the County Council, unless subsequently revoked, will run for three years from the date on which it is granted.

Revocation

The County Council may revoke an approval if they are satisfied, after considering any representations from the holder, that the use or structure of the premises has changed so that any of the statutory or local requirements cannot be met or the holder has failed to comply with one or more of the statutory or local conditions attached to the approval.

The Registrar General may direct the County 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 or civil partnerships on the approved premises. This is not subject to review by the authority.

When an approval has been revoked the regulations require the former holder to notify any couples who had arranged to marry or register a civil partnership on the premises.

Review

An applicant may seek a review by the County Council of their decision to refuse to grant an approval, to attach local conditions, to refuse to renew an approval or to revoke an approval.

The review will be carried out by a different officer, committee or sub-committee than that 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.

There is no opportunity for a review of the statutory conditions attached to an approval. A direction by the Register General to revoke an approval is not subject to review by the County Council.

The County Council will charge a fee of £455 for any review.

Renewal and Reinstatement

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

If the holder fails to apply for renewal before the expiry date and the approval expires, it will be reinstated by an application for renewal made within one month of the expiry date and continue until the application has been dealt with.

Registration

Details of approved premises will be held for public inspection by the County Council, copied locally and sent to the Registrar General who will publicise them.

Contact Number

Telephone the Registration and Coroner Services Manager on Worcester (01905) 728754 if you need any advice on the application.

To ensure that your application is dealt with as speedily as possible please mark it for the attention of the "Proper Officer for the Registration Service" at County Hall, Spetchley Road, Worcester. WR5 2NP and remember to enclose:

- Fee of £1350 if applying before April 2010 or the fee of £1375.00 thereafter. Please note that this is not refundable.
- Three sets of plans correctly marked.
- A copy of the Fire Risk Assessment and a copy of any Public Entertainments Licence held and any other premises related licences held.
- Evidence that planning permission has been obtained or is not required.

Conditions

(Please note that the standard conditions to be attached to the grant of approval are in normal typeface and the County Council's local conditions are in italics).

Proceedings means the solemnisation of a marriage or the registration of a civil partnership and does not refer to any other activities on the premises.

- The approved premises must be available at all reasonable times for inspection by the County Council.
- 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.
- All marriage ceremonies 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.
- 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.
- Public access to any ceremony of marriage solemnized in approved premises must be permitted without charge.
- *The public must have unfettered access to witness the proceedings and make objections prior to or during proceedings*
- 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 County council as a venue for marriage in pursuance of Section 26(1)(bb) of the Marriage Act 1949, and the formation of civil partnerships under diction 6(3A)(a) of the Civil Partnership Act 2004, but shall not state or imply any recommendation of the premises or its facilities by the County Council, the Registrar General or any of the officers or employees of either of them.
- *Car parking facilities for two vehicles should be reserved near to the rooms(s) to be used for proceedings and be kept unobstructed for arrival and departure of registration staff.*
- *Table(s) of suitable size, stability and surface to be sited appropriately for the purposes of the proceedings.*
- *Registration staff must at all times have access to a telephone.*
- *Toilet and Cloakroom facilities to be readily available for use by registration staff.*
- *Lighting to be at level appropriate for registration purposes.*
- *A separate room, or suitable screened area, should be available for pre-marriage interview with registration staff.*
- *Other functions within the premises should not encroach upon or detract from the solemnity of the ceremony, either physically, visually or aurally.*
- *Any bar area within the marriage facility should be adequately screened prior to and during the ceremony.*
- No food or drink may be sold or consumed in the room in which proceedings take place for one hour prior to during those proceedings.
- *No smoking to be permitted in the room in which proceedings take place for one hour prior to that ceremony or during that ceremony.*
- 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 *and liaise with registration staff over any matters affecting the ceremony.*
- The responsible person or, in his absence, an appropriately qualified deputy appointed by him *and agreed with the County Council*, shall be available on the premises for a minimum of one hour prior to and throughout each of the proceedings.

- The holder must notify the County Council: -
 - i) of his name and address immediately upon him becoming the holder of an approval under regulation 7(2), and;
 - i) of the name, address and qualification of the responsible person immediately upon the appointment of a new responsible person.
- The holder must also notify the County Council 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 of 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.
- *The responsible person to ensure the safe conduct of registration staff and their legal documents in attending the ceremony. This may include the provision of Ushers.*
- 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.
- *The responsible person to advise the parties to be aware that punctuality is essential as registration staff may have commitments later that day.*
- *The responsible person to ensure that the marriage room and interview room is available for use at least 30 minutes before the time appointed for the ceremony.*
- *The responsible person to be available to meet registration staff on their arrival and thereafter until their departure.*
- *Video recording and photographs to be allowed under the direction of registration staff – and must not be intrusive on the ceremony.*
- Any proceedings conducted on approved premises shall not be religious in nature.
 1. In particular, the proceedings shall not:
 - include extracts from an authorised religious marriage service or from sacred religious texts;
 - be led by a minister of religion or other religious leader;
 - involve a religious ritual or series of rituals;
 - include hymns or other religious chants; or
 - include any form of worship.
 2. 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.
 3. 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.
 - 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 of the civil partnership document shall remain valid for its duration for the purpose of the proceedings.

Any further conditions as may be determined by the County Council following the receipt of a specific application.