



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 £1,800.00. 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 known 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 that 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 £1,800.00. 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.