

Notes on the Requirements Before an Approval Can be Granted

The non-returnable fee for this application is £1,650 and must be submitted with the application to the Proper Officer for Registration Matters at Wiltshire Council, County Hall, Trowbridge, Wiltshire, BA14 8JN.

The application must be made by the proprietor or trustee of the premises. When made on behalf of a limited company there should be a separate statement of the names and addresses of all the directors.

The premises must fulfil the following standard requirements in Schedule 1 of the Regulations:

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 the solemnisation of marriages or the registration (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/fire and rescue authority, and such other reasonable provision for the 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; (*“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.*)
 - (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 (marriage or civil partnership) will be held if approval is granted must be identifiable by description as a distinct part of the premises.

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

6. The room must be easily accessed by disabled persons.
7. There must be a separate room available for Registration Officers to use for one hour prior to the ceremony.

In considering the suitability of premises as a venue, the authority has regard to the following guidance from the Registrar General:

1. 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.

2. 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, a 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.
3. 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.
4. 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.
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 are not on the 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. However, an authority can set its fee for attending a marriage or civil partnership on approved premises at the same level as the prescribed fee for a marriage or civil partnership in a register office.
6. The premises may be used for both the solemnisation of marriages and the registration of civil partnerships but 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.
7. The requirement that the premises must be regularly available for use by the public will preclude a private house from being approved.

THE CONDITIONS TO BE ATTACHED TO GRANTS OF APPROVAL

The authority must attach the following standard conditions from Schedule 2 of the Regulations to any approval. Proceedings mean the solemnisation of a marriage or the registration of a civil partnership and does not refer to any other activities on the premises.

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”), indicates that he/she is in a position to ensure compliance with these conditions.
2. The responsible person or, in his/her absence, an appropriately qualified deputy appointed by him/her, 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/her name and address immediately upon him/her 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 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 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 proceedings take place for one hour prior to and during those proceedings.
8. All proceedings must take place in a room which was identified as one to be used for that purpose 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 approved premises shall not be religious in nature.
 - (2) In particular, the proceedings shall not:
 - (a) include extracts from authorised religious marriage service or from sacred religious texts;
 - (b) to 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 Marriage Act 1949, and the formation of civil partnerships under section 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 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.

ADDITIONAL INFORMATION

RENEWAL AND REINSTATEMENT

1. 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.
2. 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.

REVOICATION

3. The authority 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.
4. The Registrar General may direct the authority 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 partnership on the approved premises. This is not subject to review by the authority.
5. 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.

REVIEWS

6. An applicant may seek a review by the local authority of its decision to refuse to grant an approval, to attach local conditions, to refuse to renew an approval or to revoke an approval.
7. The review must 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.
8. The authority will charge an additional fee of £225.00 for a review of its decision to refuse to grant an approval, to attach local conditions or to refuse to renew an approval.

REGISTRATION

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