

## NOTES ON THE REQUIREMENTS BEFORE AN APPROVAL CAN BE GRANTED

The non-returnable fee for this application is £1975.00 (Please be aware that from 1<sup>st</sup> April 2022 this fee is increasing to £2040.00). This must be submitted with the application to the **Proper Officer for Registration Matters Essex Registration Service, Essex County Council, Seax House, Victoria Road South, Chelmsford, CM1 1QH.**

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 set out in Schedule 2 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 solemnization of marriages or the formation of civil partnerships. The primary use of a building would render it unsuitable if that use could demean proceedings or bring them into disrepute.
2. 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<sup>th</sup> 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 granting the approval has no powers to act or intervene, unless of course it is the holder of the approval.

The requirement that the premises must be regularly available for use by the public will preclude a private house from being approved.

3. The premises must have the benefit of such fire precautions as may reasonably be required by the authority, having consulted with the fire 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 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

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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. For approval to be granted, the room or rooms in which marriage ceremonies or civil partnership formations will take place must be identifiable by description as a distinct part of the premises.
6. 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 normally seek the view of the Essex County Fire and Rescue Service as to the fire safety self assessments submitted by premises with their application.
7. The Authority needs to be content that no planning permission is necessary for the use of the venue for marriages or civil partnerships. For the majority of venues (e.g. hotels, conference centres etc) separate planning permission is not likely to be necessary because the activity is ancillary to the main use of the building. Should the applicant be in any doubt that planning permission may be required, they are advised to consult the local planning authority prior to application.

The Regulations refer to "proceedings", defining these as the solemnization of marriages or the formation of civil partnerships and this guidance uses this term, where appropriate.

In addition to the standard requirements as set out above the Essex County Council has specified the following requirements which will have to be met by premises in order to gain approval for use as a venue for the solemnization of civil marriages under Section 26(1)(bb) of the Marriage Act 1949 or the formation of civil partnerships under Section 6 (3A)(a) of the Civil Partnership Act 2004:-

- (1) In addition to the room or rooms approved for the solemnization of the marriages or formation of civil partnerships, a separate room must be available to allow for the confidential interviewing of the couple by the Registrar prior to proceedings.
- (2) The size of the room where proceedings are to take place should be sufficient to accommodate all attendees, divided between standing and sitting as appropriate.
- (3) Access must be available for disabled persons.
- (4) Lighting levels must be satisfactory dependent upon the size and location of the room where proceedings are to take place.
- (5) Toilet facilities should be available and easily accessible. These should include toilet facilities for disabled persons.

- (6) Where parking is available two free car parking spaces shall be provided for the use of the Registration staff. These should be as near to the main entrance of the premises as possible and allow free access at all times.
- (7) Registration staff must at all times have access to a telephone.
- (8) The applicant must satisfy the Council that adequate insurance cover is held in respect of third party risks.

In considering the suitability of premises as a venue the local authority will have regard to following Guidance from the Registrar General:

1. The laws are intended to allow civil marriages or civil partnership formations 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. 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.
2. The premise must be a seemly and dignified venue for the proceedings, which must take place in an identifiable and distinct part of those premises. This will preclude proceedings from taking place in the open air, in a tent, marquee or any other temporary structure and in most forms of transport.
3. Proceedings must take place in premises with open doors, which the Registrar General interprets to mean that the public must have unfettered access to witness the marriage or civil partnership formation and make objections prior to or during proceedings.
4. A register office cannot be approved as a venue under these regulations. If a register office is located in a building which is otherwise an approved venue (eg a Town Hall), that is acceptable provided that the two occupy mutually exclusive parts of the building: the register office marriage/ ceremony room cannot be part of the approved premise, and the approved premises plan will not include the area covered by the register office. A marriage / ceremony room cannot, in other words, be used partly for "register office" ceremonies / proceedings and partly for "approved venue" ones., on different days of the week or at different rates of fee. They must be mutually exclusive in their use.
5. The requirement that the premises must be regularly available for use by the public will preclude a private house from being approved.
6. The primary use of a building would also render it unsuitable if that use could demean the proceedings or bring them into disrepute.

7. The secular nature of proceedings means that certain premises cannot be approved: Schedule 1 specifies that religious premises cannot become approved premises whilst still being used for their religious purpose. A chapel in a stately home would fall into this category. However, it is acceptable for a building to be approved where its religious use has ceased, provided that the building has subsequently been solely or mainly used for another purpose. A disused religious building, which has not had any subsequent use, would not be capable of being approved.
8. Proceedings on approved premises may be followed by a celebration, commemoration or blessing of the couple's choice, providing that it is not a religious marriage ceremony and is separate from the civil ceremony.

## 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 means 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”), indicate that he is in a position to ensure compliance with these conditions.
2. The responsible person or, in his absence, an appropriate 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 also 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 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 proceedings and identifying and giving directions to the room in which 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 on the plan submitted with the approved premise application.
  9. The room in which the proceedings 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.

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 the 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.

The County Council will also attach the following conditions to all approvals, together with such further conditions as appear appropriate following inspection of the premises.

- (1) The holder of the approval will be responsible for ensuring that all those attending the proceedings are aware of evacuation procedures and of the action to be taken in an emergency situation.
- (2) Registration staff must have access to the room where proceedings will take place and Interview Room at least 30 minutes before proceedings are due to take place. In any accommodation where an admission charge is made to members of the public, this must be waived and arrangements made for the easy access of Registration staff.
- (3) A suitable table and four chairs should be provided in the room where proceedings are to take place as directed by the Registration staff. Chairs for guests should be provided, in number and position to be dictated by the size of the room and subject to the approval of the Registration staff in order to allow free access and movement during proceedings.
- (4) At the discretion and requirement of the Registration staff, additional portable lighting may be required in that part of the room where the entry is to be made in the Marriage Register and the Register signed or for the signing of the civil partnership schedule.
- (5) A box of tissues, carafe of water and four glasses should be provided.
- (6) No smoking will be permitted in the room where proceedings are to take place for one hour before and during proceedings.
- (7) Depending upon the number of persons attending proceedings, the approval holder may need to provide an Usher or Ushers to control or assist the guests. The Usher(s) will be under the supervision of the Registration staff.
- (8) Proceedings must not be disturbed by noise or otherwise by other activities taking place in or in the proximity of the approved premises.
- (9) All reasonable efforts should be made by the holder of the approval to ensure that no noise, litter or any other nuisance or disturbance is caused to local residents, neighbours or others.
- (10) The responsible person shall give advance notification to the Superintendent Registrar of the District in which the approved premises are situated of any

occasion when he will be absent and of the name and qualification of the deputy appointed by him on that occasion.

- (11) The holder of the approval will ensure that the room where proceedings are to take place is in a clean and tidy condition and free of litter immediately prior to proceedings commencing.
  
- (12) The approval holder will indemnify the Essex County Council against any claim loss or damage whatsoever in respect of any loss or damage to any person using the approved premises (including injury resulting in death) save insofar as such may be caused by the act default or omission of the Essex County Council its servants or agents and will be required to complete and return the attached insurance certificate as evidence of these arrangements



## ADDITIONAL INFORMATION

### RENEWAL

1. The holder may apply for the renewal of an approval when the current approval has between six and 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.

### REVOCAATION

2. 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.
3. 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 partnerships on the approved premises.
4. 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

5. 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.
6. 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.
7. The authority may charge an additional fee for a review of its decision to refuse to grant an approval, to attach local conditions or to refuse to renew an approval.
8. A direction by the Registrar General to revoke an approval is not subject to review by the authority.

### REGISTRATION

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

GUIDANCE FOR THOSE WHO WISH TO MARRY ON APPROVED PREMISES  
(TO BE ISSUED TO APPROVAL HOLDERS)

1. As soon as a couple have made provisional arrangements for their marriage on approved premises they should be advised to contact the superintendent registrar for the district in which the premises are situated.
2. Without the presence of this superintendent registrar and a registrar there can be no marriage and any arrangements for the use of the premises depend entirely on their availability. Although the County Council has appointed some additional staff, it can give no guarantee that a superintendent registrar and/or registrar of marriages will be available on any particular occasion and it accepts no responsibility for any matter arising as a result of such non-availability.
3. The couple will also have to give a notice of marriage to the superintendent registrar(s) of the district(s) in which they live. This notice must be given in person by each of them and is valid for twelve months. Both parties should, therefore, attend the register office where they live as soon as possible after notice can be given. If the couple live in different districts, then each of them will have to give notice in their own district. A separate fee is payable for each notice.
4. If either of the couple are subject to immigration control there will be further procedures to take before marriage notice can be given. The local superintendent registrar can advise further on these procedures.
5. The couple should be warned that any arrangements made for a marriage to take place on the approved premises are dependent on:
  - a) the attendance of the superintendent registrar and a registrar for the district in which the premises are situated: and,
  - b) the issue of the authority or authorities for marriage by the superintendent registrar(s) to whom notice of marriage was given.
6. When notice is given in a different registration district from the one where the Marriage is taking place, the couple will have to collect each authority before the ceremony and ensure that it is delivered to the registrar who is to attend the ceremony.
7. The couple should be advised that any ceremony conducted on approved premises shall not be religious in nature. In particular, the ceremony 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.

The marriage ceremony 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 ceremony.

The content of the ceremony must be agreed in advance with the superintendent registrar who will be attending the ceremony. The superintendent registrar and registrar of marriages are unable to attend any rehearsal of the marriage ceremony at the approved premises.

8. Any rights of copyright for music, readings etc permitted at the ceremony are a matter for the couple and the holder of the approval.

GUIDANCE FOR THOSE WHO WISH TO REGISTER A CIVIL PARTNERSHIP ON  
APPROVED PREMISES  
(TO BE ISSUED TO APPROVAL HOLDERS)

1. As soon as a couple have made provisional arrangements for their civil partnership on approved premises they should be advised to contact the civil partnership registrar for the registration authority in which the premises are situated.
2. Without the presence of a civil partnership registrar there can be no civil partnership registration and any arrangements for the use of the premises depend entirely on their availability. Although the County Council has appointed some additional staff, it can give no guarantee that a civil partnership registrar will be available on any particular occasion and it accepts no responsibility for any matter arising as a result of such non-availability.
3. The couple will also have to give a notice of civil partnership to an authorised person of the registration authority in which they live. This notice must be given in person by each of the couple and is valid for twelve months. The couple should, therefore, attend a register office in the area where they live as soon as possible after notice can be given. If the couple live in different registration authority areas, then each of them will have to give notice in their own area. A separate fee is payable for each notice.
4. If either of the couple are subject to immigration control there will be further procedures to take before a notice of civil partnership can be given. The local registration authority can advise further on these procedures.
5. The couple should be warned that any arrangements made for a civil partnership to take place on the approved premises are dependent on:
  - a) the attendance of a civil partnership registrar for the area in which the premises are situated: and,
  - b) the issue of the authority or authorities for civil partnership by the registration authorities to whom notice of civil partnership was given.
6. When notice is given in a different registration authority from the one where the civil partnership is taking place, the couple will have to collect each authority before the ceremony and ensure that it is delivered to the civil partnership registrar who is to attend the registration.
7. The couple should be advised that any civil partnership registration and associated ceremony conducted on approved premises shall not be religious in nature. In particular, the ceremony 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.

A civil partnership registration with an associated ceremony 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 any ceremony.

The content of the ceremony must be agreed in advance with the civil partnership registrar who will be attending the ceremony. The civil partnership registrar is unable to attend any rehearsal of the civil partnership registration/ceremony at the approved premises.

8. Any rights of copyright for music, readings etc permitted at the registration/ceremony are a matter for the couple and the holder of the approval.