

2005 No. 3168

**REGISTRATION OF BIRTHS, DEATHS, MARRIAGES,
ETC., ENGLAND AND WALES**

CIVIL PARTNERSHIP, ENGLAND AND WALES

**The Marriages and Civil Partnerships (Approved Premises)
Regulations 2005**

<i>Made</i> - - - -	<i>14th November 2005</i>
<i>Laid before Parliament</i>	<i>14th November 2005</i>
<i>Coming into force</i> - -	<i>5 December 2005</i>

The Chancellor of the Exchequer(a), in exercise of the powers conferred by sections 46A, 46B(2) and 51(1A)(b) of the Marriage Act 1949(b), and by sections 6A, 34(3) and 258(3) of the Civil Partnership Act 2004(c) makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and shall come into force on 5th December 2005.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires:—

“the 1949 Act” means the Marriage Act 1949;

“the 2004 Act” means the Civil Partnerships Act 2004;

“the 1995 Regulations” means the Marriages (Approved Premises) Regulations 1995(d);

“the 2003 Regulations” means the Marriages (Approved Premises)(Amendment) Regulations 2003(e);

“applicant” means an applicant for approval and “application” shall be construed accordingly;

“approval” means approval of premises for the solemnization of marriages in pursuance of section 26(1)(bb) of the 1949 Act and as a place at which two people may register as civil

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- (a) The functions of the Secretary of State in section 46A and 46B(2) of the Marriage Act 1949 were transferred to the Chancellor of the Exchequer by the Transfer of Functions (Registration and Statistics) Order 1996 (S.I. 1996/273), paragraph 7(a) of Schedule 1.
- (b) 1949 c. 76; sections 46A, 46B(2) and 51(1A)(b) were inserted in the 1949 Act by section 1(2) and (3) of and paragraph 5 of the Schedule to the Marriage Act 1994 (c. 34).
- (c) 2004 c.33. Section 6A was inserted by paragraph 3 of the Schedule to the Civil Partnership (Amendments to Registration Provisions) Order 2005 (S.I.2005/2000), and section 34(3) was inserted by paragraph 12 of the Schedule to that Order.
- (d) S.I. 1995/510. (Revoked on the coming into force of these Regulations).
- (e) S.I. 2003/1961. (Revoked on the coming into force of these Regulations).

partners of each other in pursuance of section 6(3A)(a)(a) of the 2004 Act, and “approved premises” shall be construed accordingly;

“authority” in relation to any premises means the body which is the local authority or registration authority for the area in which those premises are situated, being one of the bodies specified as such by section 46A(3) of the 1949 Act or section 28 of the 2004 Act;

“holder of an approval” means the person on whose application the approval was granted or a person who is deemed to be the holder of an approval under regulation 7(2);

“premises” means a permanently immovable structure comprising at least a room, or any boat or other vessel which is permanently moored;

“proceedings” means the solemnization of marriages or the formation of civil partnerships;

“proper officer” means the proper officer referred to in section 13(2)(h) of the Registration Service Act 1953(b);

“qualification” in relation to a responsible person or his deputy has the meaning given by paragraph 1 of Schedule 2 and “qualified” shall be construed accordingly; and

“responsible person” has the meaning given by paragraph 1 of Schedule 2.

(2) In these Regulations, unless the context otherwise requires—

- (a) any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations; and
- (b) any reference in a regulation to a numbered paragraph is a reference to the paragraph in that regulation bearing that number.

Application procedure

3.—(1) An application for approval may be made by a proprietor or a trustee of premises.

(2) The applicant shall deliver to the proper officer of the authority—

- (a) an application in writing, including the name and address of the applicant and such other information concerning the requirements set out in Schedule 1 as the authority may reasonably have required;
- (b) a plan of the premises which clearly identifies the room or rooms in which the proceedings will take place if approval is granted; and
- (c) if the authority so requires, a fee, or an amount on account of that fee, determined in accordance with regulation 12.

(3) The applicant shall provide the authority with such additional information as it may reasonably require in order to determine the application.

(4) As soon as practicable after receiving an application, the authority shall—

- (a) arrange for the premises to be inspected; and
- (b) if the functions of the authority under these Regulations have not been delegated to the proper officer, seek and have regard to his recommendation in relation to the application.

Public consultation

4.—(1) As soon as practicable after receiving an application the authority shall—

- (a) make the application and the plan accompanying it available to members of the public for inspection at all reasonable hours during the working day until such time as the application has been finally determined or withdrawn; and

(a) Section 6(3A)(a) was inserted by paragraph 2(2) of the Schedule to the Civil Partnership (Amendments to Registration Provisions) Order 2005 (S.I. 2005/2000).

(b) 1953 c. 37. Section 13(2)(h) was amended by the Local Government Act 1972 (c. 70), Section 251 and Schedule 29, paragraph 41(4).

- (b) ensure that public notice of the application is given by advertisement in a 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.
- (2) The notice referred to in paragraph (1)(b) shall—
- (a) identify the premises and the applicant;
 - (b) indicate the address at which the application and the plan accompanying it may be inspected in accordance with paragraph (1)(a);
 - (c) 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 newspaper in which the advertisement appears is published; and
 - (d) state the address of the offices of the authority to which such notice of objection should be given.
- (3) Before reaching a decision on the application, the authority shall consider any notice of objection given as mentioned in paragraph (2)(c).

Grant or refusal of approval

- 5.—(1) The authority may grant approval only if it is satisfied—
- (a) that the application has been made in accordance with these Regulations;
 - (b) that the premises fulfil the requirements set out in Schedule 1; and
 - (c) that the premises fulfil any other reasonable requirements which the authority considers appropriate to ensure that the facilities provided at the premises are suitable.
- (2) The authority may refuse to grant approval if, notwithstanding that it is satisfied as to the matters set out in paragraph (1), it considers, having regard to the number of other approved premises in its area, that the superintendent registrar and a registrar^(a) or a civil partnership registrar^(b) as the case may be, are unlikely to be available regularly to attend proceedings on the premises.
- (3) The authority shall as soon as practicable notify the applicant and any person who has given notice of objection in accordance with regulation 4(2)(c) in writing of its decision, including any conditions imposed under regulation 6.
- (4) If approval is refused, or conditions other than those specified in Schedule 2 are attached to the approval, or approval is granted after a person has given notice of objection in accordance with regulation 4(2)(c), the authority shall set out in any notification given under paragraph (3) its reasons for reaching that decision.
- (5) If approval is refused or conditions other than those specified in Schedule 2 are attached to the approval, the authority shall notify the applicant of the right to seek a review of its decision under regulation 9.

Conditions

- 6.—(1) Upon grant of an approval the authority—
- (a) shall attach to the approval the standard conditions contained in Schedule 2; and
 - (b) may attach to the approval such further conditions as it considers reasonable in order to ensure that the facilities provided at the premises are suitable and that proceedings on the premises do not give rise to a nuisance of any kind.
- (2) Immediately after the grant of an approval the holder of that approval shall notify to the proper officer the name, address and qualification of the responsible person.

(a) For the meaning of “superintendent registrar” and “registrar”, see the 1949 Act, section 78(1).
(b) For the meaning of “civil partnership registrar”, see the 2004 Act, section 29(1).

Expiry and renewal of approval

7.—(1) Subject to paragraphs (5) and (6) and to regulation 8, an approval shall be valid for a period of three years.

(2) Without prejudice to the provisions of these Regulations as to the duration of approval or revocation of approval, or any condition as to notification of change of ownership, an approval shall remain in force notwithstanding that the holder ceases to have a proprietary interest in the premises and the person to whom his interest is transferred shall be deemed to be the holder in his place.

(3) An application for renewal of an approval may be made by the holder of that approval not more than twelve months before it is due to expire.

(4) Regulations 3(2) to (4) and 4 to 6 shall apply to an application to renew an approval as they may apply to an application for approval and as though any reference in them—

- (a) to an applicant were to an applicant for renewal; and
- (b) to a grant of approval were to a renewal of approval.

(5) If an application for renewal has been made in accordance with paragraphs (3) and (4) and that application has not been finally determined or withdrawn before the date on which the approval would otherwise expire, the approval shall continue in effect until such time as the application is finally determined or withdrawn.

(6) Where the holder fails to apply for the renewal of approval and the approval expires in consequence of his failure, an application for renewal made in accordance with paragraph (4) and within one month of the expiry shall reinstate the approval and an approval so reinstated shall continue in effect until such time as the application is finally determined or withdrawn.

Revocation of approval

8.—(1) Subject to the following provisions of this regulation, an authority which has granted an approval may revoke it if it is satisfied that—

- (a) the holder has failed to comply with one or more of the conditions attached to the approval under regulation 6(1); or
- (b) the use or structure of the premises has changed so that having regard to the requirements set out in Schedule 1 and any requirements set by the authority in accordance with regulation 5(1)(c), the premises are no longer suitable for any proceedings.

(2) Before revoking an approval under paragraph (1), the authority shall deliver to the holder of that approval a notice in writing specifying the ground or grounds upon which it proposes to revoke the approval and inviting the holder to make written representations as to the proposed revocation within such period, being not less than 14 days, as is specified in the notice.

(3) The authority shall deliver a copy of the notice under paragraph (2)—

- (a) to the superintendent registrar for the district in which the premises are situated, and
- (b) to the civil partnership registrars and persons authorised under section 8(6) of the 2004 Act for the area in which the premises are situated.

(4) Before reaching a final decision on the proposed revocation, the authority shall take into account any representations made to it within the period referred to in paragraph (2) by or on behalf of the holder of the approval.

(5) If the authority decides to revoke the approval, it shall deliver a further notice in writing to the holder, stating the date upon which the approval shall cease to have effect and the procedure whereby such decision may be subject to review under regulation 9.

(6) The Registrar General may direct the authority to revoke any approval if, in her opinion, there have been breaches of the law relating to the proceedings on the approved premises.

(7) Before directing any such revocation the Registrar General shall notify the holder of the grounds upon which she proposes to direct that the approval be revoked and deliver a notice in

writing to the holder inviting him to make representations in writing as to the proposed revocation within such period, being not less than 14 days, as she shall specify.

(8) Before reaching a final decision on the proposed direction, the Registrar General shall take into account any representations made to her within the period referred to in paragraph (7) by or on behalf of the holder of the approval.

(9) The authority shall immediately revoke any approval, with immediate effect, if directed to do so in writing by the Registrar General under paragraph (6) and deliver a notice of revocation in writing to the holder.

(10) The authority shall revoke any approval with immediate effect as soon as practicable after being requested to do so by the holder of that approval and deliver a notice of revocation in writing to the holder.

(11) Upon receipt of notice of revocation under paragraph (5), (9) or (10), the holder of an approval shall immediately give notice of the revocation to all parties who have made arrangements for any proceedings to take place in the premises which were approved but whose proceedings have not yet taken place there.

Reviews

9.—(1) An applicant who is aggrieved in relation to a decision to refuse an approval or to attach to an approval conditions other than those specified in Schedule 2 may request a review of that decision.

(2) A holder of an approval who is aggrieved in relation to a decision—

- (a) to refuse to renew that approval; or
 - (b) to attach to the renewal of that approval conditions other than those specified in Schedule 2; or
 - (c) to revoke that approval, otherwise than under regulation 8(9) or (10),
- may request a review of that decision.

(3) A person requesting a review under paragraph (1) or (2) shall deliver his request to the proper officer of the authority, accompanied if the authority so requires, except in the case of a request to review a decision to revoke an approval, by a fee, or an amount on account of that fee, determined in accordance with regulation 12.

(4) The proper officer shall immediately arrange for a review of the decision by the authority and neither an officer nor any member of a committee or sub-committee of the authority which made the decision on behalf of the authority shall take part in the decision on the review.

(5) On a review of a decision the authority may, acting in accordance with regulation 5(1) and (2)—

- (a) confirm the original decision;
- (b) vary an original decision to grant or renew approval, in particular by removing conditions attached under regulation 6(1)(b) or by attaching new or different conditions; or
- (c) substitute a different decision, which may, where the original decision was to revoke an approval, be a decision that the approval should not be revoked but should be subject to new or different conditions than those which were previously attached to it.

(6) The authority shall give notice in writing to the applicant or holder of its decision on review, stating its reasons for that decision and (except where the original decision is confirmed) the date from which it takes effect.

Registers of approved premises

10.—(1) Each authority shall keep a register of all premises which are approved by the authority, containing—

- (a) the name and full postal address of the approved premises;

- (b) the description of the room or rooms in which the proceedings are to take place;
- (c) the name and address of the holder of the approval;
- (d) the date of grant of the approval;
- (e) the due date of expiry of the approval;
- (f) if the approval is renewed, the date of renewal;
- (g) if the approval is revoked, the date on which the revocation takes effect; and
- (h) the name, address and qualification of the responsible person.

(2) The proper officer shall make the appropriate entries in the register immediately after the grant of an approval and shall amend the register immediately after receiving notification that any of the details listed in paragraph (1) have changed, or on renewal or revocation of an approval.

(3) Immediately after making or amending any entry in the register, the proper officer shall deliver a copy of the entry or amendment—

- (a) to the Registrar General;
- (b) to the superintendent registrar for the district in which the premises are situated; and
- (c) to the civil partnership registrars and persons authorised under section 8(6) of the 2004 Act for the area in which the premises are situated.

(4) The register shall be open to public inspection during normal working hours.

(5) The register shall be kept in permanent form which may include its maintenance on a computer.

Guidance concerning grants of approval and approved premises

11. The Registrar General may issue guidance supplementing the provision made by these Regulations.

Fees

12.—(1) An authority may, in accordance with paragraphs (2) to (4), determine a fee in respect of an application for or the renewal of an approval, and may determine that fee either for that particular application or renewal or for applications or renewals generally or of any particular class.

(2) A fee determined for a particular application or renewal shall not exceed the amount which reasonably represents the costs incurred or to be incurred by the authority in respect of that application or renewal.

(3) A fee determined for applications or renewals generally or of a particular class shall not exceed the amount which reasonably represents the average costs incurred or likely to be incurred by the authority in respect of an application or renewal, or, as the case may be, in respect of an application or renewal of that class.

(4) A fee determined in respect of an application or renewal may not include an amount representing costs incurred in respect of any review or possible review under regulation 9 unless and until such a review is requested in relation to that application or renewal; but where such a review is requested an authority may determine an additional fee in respect of that application or renewal in accordance with paragraph (2) or (3), taking into account only the additional costs arising from review.

(5) Any authority may charge a fee in respect of an application or renewal, or an amount on account of such fee, even though it may not yet have incurred any cost in respect of that application or renewal.

(6) The superintendent registrar in whose presence persons are married on approved premises shall be entitled to receive from them a fee of an amount determined by the authority as reasonably representing all the costs to it of providing a registrar and superintendent registrar to attend at a solemnization.

(7) Where a civil partnership registrar for any area attends when two people sign the civil partnership schedule on approved premises, the authority for that area shall be entitled to receive from them a fee of an amount determined by it as reasonably representing all the costs to it of providing the civil partnership registrar to attend at the formation.

(8) An authority may set different fees under paragraphs (6) and (7) for different cases or circumstances.

Notices

13. If there is more than one holder of one approval, any notice which is required by these Regulations to be delivered to the holder shall be validly delivered if it is delivered in accordance with the other provisions of these Regulations to any one of the holders of the approval at the address entered in the register in respect of that holder under regulation 10(1)(c).

Revocations

14. The 1995 Regulations and the 2003 Regulations are revoked.

Change of name of approved premises

15. If a change of name of the approved premises occurs after the issue of the certificate for marriage or the civil partnership document but before the proceedings, that change shall not affect the validity of the certificate for marriage or the civil partnership document(a).

Transitional provisions

16.—(1) This regulation applies to—

- (a) any approval granted under the 1995 Regulations which has not expired on the coming into force of these Regulations;
- (b) any approval granted under the 1995 Regulations which expires within one month of the coming into force of these Regulations;
- (c) any application for renewal of an approval made under the 1995 Regulations which has yet to be finally determined or has not been withdrawn on the coming into force of these Regulations;
- (d) any application for an approval made under the 1995 Regulations which has yet to be finally determined or has not been withdrawn on the coming into force of these Regulations; and
- (e) any request for review made on or after the coming into force of these Regulations in respect of a decision to refuse the grant of an approval taken prior to the coming into force of these Regulations.

(2) The approval by virtue of paragraph (1)(a) shall be treated as valid for the purpose of the proceedings as if granted under these Regulations.

(3) Any application for renewal under paragraph 1(b) made within one month of expiry shall be treated as an application for renewal under regulation 7(6) of these Regulations.

(4) Any application for renewal and approval by virtue of paragraphs (1)(c) and (d) shall be treated as an application for a renewal and approval under these Regulations.

(5) Any request for review by virtue of paragraph (1)(e) shall be treated as a request for a review under regulation 9 of these Regulations.

(a) For the meaning of “civil partnership document”, see the 2004 Act, section 7(1).

Signed by authority of the Chancellor of the Exchequer

14th November 2005

John Healey
Financial Secretary to the Treasury

SCHEDULE 1

regulation 5(1)(b)

Requirements for the Grant of Approval

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—
 - (a) the solemnization of marriages; or
 - (b) the 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 authority [or, in England, 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 2004 Act;
 - (b) a register office (a), 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 are to take place if approval is granted must be identifiable by description as a distinct part of the premises.

SCHEDULE 2

regulation 6(1)(a)

Conditions to be attached to Grants of Approval

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 appropriately 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 notify the authority immediately of any change to any of the following—

(a) For the meaning of “register office” see the 2004 Act, section 6(3C). Section 6(3C) was inserted into the 2004 Act by paragraph 2(2) of the Schedule to the Civil Partnership (Amendments to Registration Provisions) Order (S.I. 2005/2000).

- (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 made 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 the proceedings take place for one hour prior to or 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 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 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.

(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 1949 Act and the formation of civil partnerships under section 6(3A)(a) of the 2004 Act 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.

EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations provide a uniform system for the approval of premises in which civil marriage ceremonies and the formation of civil partnerships may take place. The previous regulations relating to approval of premises for the purposes of civil marriage ceremonies only, are revoked.

The Regulations relate to—

- (a) the procedure for the making of an application for a joint approval;
- (b) the consultation procedure following the making of an application for a joint approval;
- (c) the procedure for granting or refusing an application for a joint approval including the requirements which have to be satisfied for the grant of an approval;
- (d) the conditions which may be attached by the authority to the grant of a joint approval;
- (e) the procedure for renewing and revoking an approval;
- (f) the procedure for reviewing a decision to refuse an approval or to attach conditions to the grant of an approval;
- (g) the procedure for the keeping of registers of approved premises by the authority;
- (h) the issue of guidance by the Registrar General to supplement the provisions made by the Regulations;
- (i) the setting of fees for an application or renewal of a joint approval and for the attendance of a civil partnership registrar when two people sign a civil partnership schedule on approved premises;
- (j) the issue of notices by the authority to approval holders; and
- (k) revocations and transitional provisions.

These Regulations have minimal set-up cost, given that the approval process is to remain unaltered in any significant way from the previous system, and operating costs thereafter are recoverable.

2005 No. 3168

**REGISTRATION OF BIRTHS, DEATHS, MARRIAGES,
ETC., ENGLAND AND WALES**

CIVIL PARTNERSHIP, ENGLAND AND WALES

**The Marriages and Civil Partnerships (Approved Premises)
Regulations 2005**

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