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STATUTORY INSTRUMENTS

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**2011 No. 2661**

**REGISTRATION OF BIRTHS, DEATHS,  
MARRIAGES, ETC, ENGLAND AND WALES  
CIVIL PARTNERSHIP, ENGLAND AND WALES**

**The Marriages and Civil Partnerships (Approved  
Premises) (Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>3rd November 2011</i>
<i>Laid before Parliament</i>		<i>8th November 2011</i>
<i>Coming into force</i>	- -	<i>5th December 2011</i>

The Secretary of State, in exercise of the powers conferred by sections 6A and 258(2) and (3) of the Civil Partnership Act 2004<sup>(1)</sup> and section 46A of the Marriage Act 1949<sup>(2)</sup>, makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011.

(2) They come into force on 5th December 2011.

(3) In these Regulations the “2005 Regulations” means the Marriages and Civil Partnerships (Approved Premises) Regulations 2005<sup>(3)</sup>.

(4) Subject to regulation 3, these Regulations apply to an application for approval received by an authority on or after the day on which they come into force.

(5) In paragraph (4) “application for approval” and “authority” have the same meaning as in the 2005 Regulations.

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- (1) [2004 c. 33](#); section 6A was inserted by article 3 of, and paragraph 3 of the Schedule to, the Civil Partnership (Amendments to Registration Provisions) Order 2005 ([S.I. 2005/2000](#)) and was amended by section 202 of the Equality Act 2010 ([c. 15](#)); the functions previously conferred on the Chancellor of the Exchequer in subsection (1) were transferred to the Secretary of State by article 3 of, and paragraph 14 of Schedule 1 to, the Transfer of Functions (Registration) Order 2008 ([S.I. 2008/678](#)).
- (2) [1949 c. 76](#); section 46A was inserted by section 1 of the Marriage Act 1994 ([c. 34](#)); subsection (3) was amended by section 3 of the City of London (Approved Premises for Marriage) Act 1996 ([c. 4](#)); and functions previously conferred on the Chancellor of the Exchequer in subsection (1) were transferred to the Secretary of State by article 3 of, and paragraph 5 of Schedule 1 to, [S.I. 2008/678](#).
- (3) [S.I. 2005/3168](#).

## Amendments to the 2005 Regulations

2.—(1) The 2005 Regulations are amended as follows.

(2) Amend regulation 2 (interpretation) as follows—

(a) in paragraph (1)—

(i) after the entry for “the 1949 Act” insert—

““the 1969 Act” means the Sharing of Church Buildings Act 1969(4);”;

(ii) in the entry for “approval” after “means” insert “, subject to paragraph (1A),”;

(iii) in the entry for “qualification” after “Schedule 2” insert “or paragraph 1 of Schedule 2A (as the case may be)”;

(iv) after the entry for “qualification” omit “and” and insert—

““required consent” means a consent given in accordance with regulation 2D and includes, unless the context otherwise requires, the signed statement that consent is not required;

“religious premises” means premises that are religious premises within the meaning of section 6A(3C) of the 2004 Act(5);”;

(v) in the entry for “responsible person” after “Schedule 2” insert “or paragraph 1 of Schedule 2A (as the case may be)”;

(vi) after the entry for “responsible person” insert—

“; “sharing agreement” means an agreement between two or more Churches (“the sharing Churches”) to share church buildings under the 1969 Act; and

“shared building” means religious premises used within the meaning of section 6(4) of the 1969 Act and a reference in these Regulations to a shared building being used is a reference to it being used within the meaning of that section of that Act”;

(b) after paragraph (1) insert—

“(1A) Where an application for approval is made in respect of religious premises “approval” and “approved premises” mean approval of premises as a place at which two people may register as civil partners of each other in pursuance of section 6(3A)(a)(6) of the 2004 Act.

(1B) A reference in these Regulations to a church or chapel of the Church of England or the Church in Wales includes—

(a) a church or chapel to which a sharing agreement relates (whether or not it is in the sole ownership of the Church of England or the Church in Wales (as the case may be));

(b) a church or chapel which is a shared building;

(c) a cathedral church.”.

(3) After regulation 2 insert—

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(4) 1969 c. 38; amendments made to this Act are not relevant to these Regulations.

(5) Section 202(2) of the Equality Act 2010 (c. 15) omitted the definition of religious premises in section 6(2). The definition, which is in the same terms, is now contained in section 6A(3C) as inserted by section 202(4) of the Equality Act.

(6) 2004 (c. 33); subsections (3), (3A) and (3B) were substituted for subsection (3) as originally enacted by article 3 of, and paragraph 2 of the Schedule to, S.I. 2005/2000.

### **“Church of England: faculty jurisdiction**

**2A.** In relation to a church or chapel of the Church of England, nothing in these Regulations is intended to oust the faculty jurisdiction.

### **Religious premises: no obligation to make an application for approval**

**2B.** Nothing in these Regulations places an obligation on a proprietor or trustee of religious premises to make an application for approval of those premises as a place at which two people may register as civil partners of each other in pursuance of section 6(3A)(a) of the 2004 Act.

### **Kinds of premises: overview**

**2C.—**(1) An application for approval of premises for the solemnization of marriages may only be made in respect of premises that are not religious premises.

(2) An application for approval of premises as a place at which two people may register as civil partners of each other in pursuance of section 6(3A)(a) of the 2004 Act may be made in respect of premises that are not religious premises or premises that are religious premises.

(3) An application for approval made in respect of premises that are not religious premises must be made in accordance with regulation 3.

(4) Subject to paragraph (5), an application for approval made in respect of religious premises must be made in accordance with regulation 3A.

(5) An application for approval made in respect of religious premises to which a sharing agreement relates or in respect of a shared building must be made in accordance with regulation 3B.

### **Required consents: religious premises**

**2D.—**(1) This regulation makes provision for the consent that may be required to make an application for approval of religious premises.

(2) An application made in respect of religious premises of a description specified in the first column of the table in Schedule A1 (“the table”) may only be made with the consent in writing of the person specified, or a person of the description specified, in the corresponding second column.

(3) An application made in respect of religious premises not of a description specified in the table may only be made with the consent in writing of the governing authority of the religious organisation for whose religious purposes the premises are used.

(4) Except that consent is not required in respect of religious premises where—

- (a) the premises are of a description specified in the first column of the table and it is indicated in the corresponding third column that consent is not required;
- (b) the premises are not of a description specified in the table and the governing authority of the religious organisation for whose religious purposes the premises are used has determined that its consent is not required.

(5) In the circumstances described in paragraph (4), the application must include a statement to the effect that consent is not required.

(6) The statement mentioned in paragraph (5) must be followed by the words “*This statement is true to the best of my knowledge and belief*” and must be signed by the applicant.

(7) In this regulation—

- (a) a reference to “consent” is a reference to a consent which is general or specific; and

(b) a reference to the “governing authority” of a religious organisation is a reference to the person or persons recognised by the members of that organisation as competent for the purpose of giving consent under these Regulations.

(8) In relation to premises which are—

- (a) of more than one description specified in the table; or
- (b) used for the religious purposes of more than one religious organisation (not being one mentioned in the table); or
- (c) both of a description (or more than one description) specified in the table and used for the religious purposes of a religious organisation (or more than one religious organisation) (not being one mentioned in the table),

the reference to consent is a reference to the consent of each applicable person specified in the table or the governing authority of each applicable religious organisation, or both.

(9) Paragraph (8) does not apply to religious premises to which a sharing agreement relates or to shared buildings.”.

(4) In regulation 3 (application procedure) in the heading, at the end insert “: premises that are not religious premises”.

(5) After regulation 3 insert—

**“Application procedure: religious premises**

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

(2) The applicant must 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 1A 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;
- (c) the required consent (or in the case of premises within the meaning of regulation 2D(8), each of the required consents); and
- (d) if the authority so requires, a fee, or an amount on account of that fee, determined in accordance with regulation 12.

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

(4) Subject to paragraph (5), as soon as practicable after receiving the application, the authority must arrange for the premises to be inspected.

(5) If the authority considers that it is not necessary for the premises to be inspected (because for example they are premises where marriages may be solemnized in accordance with the 1949 Act(7)), it may dispense with the requirement to do so.

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(7) 1949 c. 76; parts 2 and 3 of this Act make provision for the solemnization of both religious and civil marriage. In particular, and in relation to religious marriage, sections 5 to 21 make provision for marriage according to the rites of the Church of England and the Church in Wales; section 41 for marriages in registered buildings; section 47 for marriages according to the usages of the Society of Friends; and by virtue of section 26 marriages may also be solemnized according to the usages of the Jews. Amendments have been made to part 2 but they are not relevant to these Regulations. Relevant amendments made to part 3 are as follows: section 41(1) (registration of buildings) was amended, and subsection (7) substituted, by section 1 of the Marriage (Registration of Buildings) Act 1990 (c. 33), subsection (2) was substituted by section 1 of the Marriage Acts Amendment Act 1958 (c. 29) (“1958 Act”), subsection (3A) was inserted by article 8 of the Registration of Marriages (Electronic Communications and Electronic Storage) Order 2009 (S.I. 2009/2821), the sum in subsection (6) was substituted by article 2 of, and the Schedule to, the Registration of Births, Deaths and Marriages (Fees) Order 1997 (S.I. 1997/2939)

### **Application procedure: shared church or other buildings**

**3B.**—(1) This regulation applies where an application for approval is made in respect of religious premises to which a sharing agreement relates.

(2) This regulation also applies where an application for approval is made in respect of a shared building.

(3) Subject to paragraphs (4) and (5), an application under this regulation must comply with the requirements set out in regulation 3A.

(4) An application mentioned in paragraph (1) must include the required consent in respect of each of the sharing Churches.

(5) An application mentioned in paragraph (2) must include the required consent in respect of each of the Churches that uses the shared building.”.

(6) Amend regulation 4 (public consultation) as follows—

(a) for paragraph (1) substitute—

“(1) As soon as practicable after receiving an application the authority must—

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

(b) give public notice of the application in accordance with paragraphs (1A) and (2).

(1A) The notice must be published—

(a) 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; or

(b) on the authority’s website (in which case it must include the date of publication), and may also be published in such other ways as the authority considers necessary.”;

(b) in paragraph (2)—

(i) in sub-paragraph (b) for “the application and the plan accompanying it” substitute “the application, the plan accompanying it and, if applicable, the required consent”;

(ii) for sub-paragraph (c) substitute—

“(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 notice is published in the newspaper or on the authority’s website (as the case may be);”.

(7) Amend regulation 5 (grant or refusal of approval) as follows—

(a) in paragraph (1) after “approval” insert “of premises that are not religious premises”;

(b) after paragraph (1) insert—

“(1A) The authority may grant approval of religious premises only if it is satisfied that—

(a) the application has been made in accordance with these Regulations;

(b) the premises are religious premises of a type described in paragraph (1B);

(c) the premises fulfil the requirements set out in Schedule 1A;

- (d) the premises fulfil any other reasonable requirements which the authority considers appropriate to ensure that the facilities provided at the premises are suitable.
- (1B) Religious premises must be—
- (a) a church or chapel of the Church of England;
  - (b) a church or chapel of the Church in Wales;
  - (c) a place of meeting for religious worship included in the list of certified places maintained by the Registrar General under section 7 of the Places of Worship Registration Act 1855<sup>(8)</sup>;
  - (d) a place of meeting for members of the Society of Friends; or
  - (e) a Jewish synagogue.
- (1C) The reference in paragraph (1B)(c) to a place of meeting for religious worship included in the list of certified places maintained by the Registrar General includes—
- (a) religious premises to which a sharing agreement relates and which are registered as a place of meeting for religious worship of any Church sharing the premises (other than the Church of England or the Church in Wales); and
  - (b) a shared building which is registered as a place of meeting for religious worship of any Church using the building (other than the Church of England or the Church in Wales).”;
- (c) in paragraph (2) after “paragraph (1)” insert “or (1A) (as the case may be)”;
- (d) in paragraph (4) after “Schedule 2” insert “or Schedule 2A (as the case may be)”;
- (e) in paragraph (5) after “Schedule 2” insert “or Schedule 2A (as the case may be)”.
- (8) Amend regulation 6 (conditions) as follows—
- (a) in paragraph (1)(a) after “approval” insert “of premises that are not religious premises”;
  - (b) after paragraph (1)(a) insert—
    - “(aa) shall attach to the approval of religious premises the standard conditions contained in Schedule 2A.”;
  - (c) in paragraph (1)(b) after “the approval” insert “in sub-paragraph (a) or the approval in sub-paragraph (aa)”.
- (9) Amend regulation 7 (expiry and renewal of approval) as follows—
- (a) for paragraph (1) substitute—
    - “(1) Subject to paragraphs (5) and (6) and to regulations 8 and 8A, an approval is to be valid for such period, being not less than three years, as the authority may determine.”;
  - (b) after paragraph (2) insert—
    - “(2A) Without prejudice to the provisions of these Regulations as to the duration or revocation of an approval—
      - (a) where—
        - (i) religious premises to which a sharing agreement relates have been approved;
        - (ii) one of the sharing Churches withdraws from the sharing agreement; but

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(8) 1855 c. 81; section 7 was amended by section 1 of, and the Schedule to, the Statute Law Revision Act 1892 (c. 19); article 4 of, and Schedule 2 to, the Registration of Births, Deaths and Marriages (Fees) Order 1968 (S.I. 1968/1242); and articles 3 and 5 of the Transfer of Functions (Registration) Order 2008 ( S.I. 2008/678), which transferred the functions in section 7 from the Chancellor of the Exchequer to the Secretary of State.

- (iii) the religious premises continue to be used by the other sharing Church (or Churches); or
  - (b) where—
    - (i) a shared building has been approved;
    - (ii) one of the Churches that uses the shared building ceases to do so; but
    - (iii) the building continues to be used by the other Church (or Churches), the approval remains in force.”;
  - (c) in paragraph (4) after “3(2) to (4)” insert “, or 3A(2) to (5) (as the case may be),”.
- (10) Amend regulation 8 (revocation of approval) as follows—
  - (a) in paragraph (1) —
    - (i) after “this regulation” insert “and without prejudice to regulation 8A”;
    - (ii) in sub-paragraph (b)—
      - (aa) after “Schedule 1” insert “or Schedule 1A (as the case may be)”, and
      - (bb) after “regulation 5(1)(c)” insert “or 5(1A)(d) (as the case may be)”;
  - (b) in paragraph (3) before “The authority” insert “Subject to paragraph (3A),”; and
  - (c) after paragraph (3) insert—

“(3A) Where the authority proposes to revoke an approval of religious premises, it need not deliver a copy of the notice mentioned in paragraph (2) to the superintendent registrar for the district in which the premises are situated.”.
- (11) After regulation 8 insert—

**“Revocation of approval: withdrawal of required consent**

**8A.—**(1) An authority that has granted an approval of religious premises must revoke that approval if it is notified by the holder that—

- (a) a required consent in respect of the approved premises has been or will be withdrawn; or
- (b) in respect of premises that did not previously require it, consent is now or will be required.

(2) Where paragraph (1)(a) applies, the authority must immediately revoke the approval to take effect on the day following that on which it received the notification or on the day on which consent will be withdrawn, whichever is later.

(3) Subject to paragraphs (4) and (5), where paragraph (1)(b) applies, the authority must immediately revoke the approval to take effect on the day following that on which it received the notification or on the day from which consent will be required, whichever is later.

(4) The authority need not revoke the approval mentioned in paragraph (3) if the holder includes the required consent with his or her notification.

(5) The authority may cancel the revocation mentioned in paragraph (3) if, prior to it taking effect, the authority is provided with the required consent.

(6) Immediately after revoking an approval under paragraph (2) or (3) the authority must deliver a notice of revocation to the holder of the approval.

- (7) The notice mentioned in paragraph (6) must—
  - (a) be in writing; and
  - (b) specify the date on which the revocation takes effect.

(8) If the authority cancels a revocation in accordance with paragraph (5) it must immediately deliver a notice of cancellation in writing to the holder of the approval.

(9) Upon receipt of the notice mentioned in paragraph (6) the holder of the approval must give notice of the revocation to all the parties who have made arrangements for the formation of their civil partnerships to take place on those premises on or after the day on which the revocation takes effect.

(10) Where an authority receives notification under paragraph (1) on a day that is not a working day it is to be taken to have been received for the purposes of this regulation on the next day that is a working day.

(11) In this regulation “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>(9)</sup> in England and Wales.

(12) This regulation applies to—

- (a) religious premises to which a sharing agreement relates;
- (b) shared buildings; and
- (c) religious premises within the meaning of regulation 2D(8),

as if the reference to a required consent in paragraph (1) was to one or more of the required consents.”.

(12) Amend regulation 9 (reviews) as follows—

- (a) in paragraph (1) after “Schedule 2” insert “or Schedule 2A (as the case may be)”;
- (b) in paragraph (2)(b) after “Schedule 2” insert “or Schedule 2A (as the case may be)”;
- (c) in paragraph (5) after “regulation 5(1)” insert “, (1A)”.

(13) Amend regulation 10 (registers of approved premises) as follows—

(a) after paragraph (1) insert—

“(1A) Where applicable, the register kept under paragraph (1) must also indicate that premises are religious premises approved for the formation of civil partnerships.”;

(b) in paragraph (3) before “Immediately” insert “Subject to paragraph (3A),”;

(c) after paragraph (3) insert—

“(3A) Where the approved premises are religious premises the proper officer need not deliver a copy of the entry or any amendment to the entry to the superintendent registrar for the district in which the premises are situated.”.

(14) Before Schedule 1 insert, as Schedule A1, the Schedule set out in Schedule 1 to these Regulations.

(15) Amend Schedule 1 as follows—

- (a) in the heading, after “approval” insert “of premises that are not religious premises”;
- (b) in paragraph 3 for “fire authority [or, in England, fire and rescue authority]” substitute “fire and rescue authority”;
- (c) in paragraph 4(a) omit “as defined by section 6(2) of the 2004 Act”.

(16) After Schedule 1 insert, as Schedule 1A, the Schedule set out in Schedule 2 to these Regulations.

(17) Amend Schedule 2 as follows—

- (a) in the heading, after “approval” insert “of premises that are not religious premises”;

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(9) 1971 c. 80; amendments made to this Act are not relevant to these Regulations.

(b) for paragraph (7) substitute—

“7.—(1) Save as provided below, 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.

(2) Non-alcoholic drinks may be consumed prior to the proceedings.”.

(18) After Schedule 2 insert, as Schedule 2A, the Schedule set out in Schedule 3 to these Regulations.

### **Transitional Provision**

3.—(1) This regulation applies to any approval granted under the 2005 Regulations which has not expired on the coming into force of these Regulations.

(2) This regulation also applies to any approval that is reinstated on or after 5th December 2011 in accordance with regulation 7(6) of the 2005 Regulations.

(3) The standard condition prohibiting the sale and consumption of food and drink in the room in which the proceedings (within the meaning of the 2005 Regulations) take place for one hour prior to or during those proceedings attached to an approval by an authority by virtue of regulation 6(1)(a) of, and paragraph 7 of Schedule 2 to, the 2005 Regulations is to have effect on and after 5th December 2011 in relation to an approval as if it were amended in accordance with regulation 2(17)(b) of these Regulations.

(4) This regulation is without prejudice to—

(a) any condition attached to an approval by an authority by virtue of regulation 6(1)(b) of the 2005 Regulations;

(b) any action that an authority is taking or may take under regulation 8(1) of the 2005 Regulations in relation to a breach of one or more conditions attached to an approval under regulation 6(1)(a) of the 2005 Regulations; or

(c) any action that the Registrar General is taking or may take or may direct an authority to take under regulation 8(6) and (7) of the 2005 Regulations.

(5) In this regulation “approval” has the same meaning as in the 2005 Regulations.

Home Office  
3rd November 2011

*Lynne Featherstone*  
Parliamentary Under Secretary of State

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SCHEDULE 1 regulation 2(14)

“SCHEDULE A1 regulation 2D(2)

PERSONS WHO MUST CONSENT TO AN APPLICATION  
FOR APPROVAL OF RELIGIOUS PREMISES

**Table**

<i>Description of religious premises</i>	<i>Person or description of person who must consent to application</i>	<i>Consent not required</i>
Place of meeting for religious worship of the Roman Catholic Church	General Secretary of the Catholic Bishops’ Conference of England and Wales	
Church or chapel of the Church of England	General Synod	
Church or chapel of the Church in Wales	Governing Body of the Church in Wales	
Place of meeting for religious worship of the Methodist Church	Conference of the Methodist Church	
Place of meeting for members of the Society of Friends		Consent not required”

SCHEDULE 2 regulation 2(16)

“SCHEDULE 1A regulation 5(1A)(c)

REQUIREMENTS FOR THE GRANT OF APPROVAL OF RELIGIOUS PREMISES

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. Except so far as section 196 of, and paragraph 2 of Schedule 23 to, the Equality Act 2010<sup>(10)</sup> applies, the premises must be regularly available to the public for 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 and rescue authority, and such other reasonable provision for the health and safety of the persons employed in or visiting the premises as the authority considers appropriate.
4. 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.”

<sup>(10)</sup> 2010 c. 15; section 196 and Schedule 23 make provision for general exceptions to the Act. Paragraph 2 provides exceptions in respect of organisations relating to religion or belief.

SCHEDULE 3

regulation 2(18)

“SCHEDULE 2A

regulation 6(1)(aa)

CONDITIONS TO BE ATTACHED TO GRANTS OF APPROVAL OF RELIGIOUS PREMISES

1. The holder of an 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 (the responsible person’s “qualification”), indicate that the responsible person is in a position to ensure compliance with these conditions.

2. The responsible person or, in the responsible person’s absence, an appropriately qualified deputy appointed by the responsible person, must be available on the premises for a minimum of one hour prior to and throughout the proceedings.

3. The holder of an approval (“A”) must notify the authority—

(a) of A’s name and address immediately upon 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 of an approval 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;

(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 holder of an approval must notify the authority immediately if the premises cease to be religious premises within the meaning of regulation 5(1B).

6. The holder of an approval must notify the authority immediately if a sharing Church withdraws from a sharing agreement or if a Church that uses a shared building ceases to do so.

7. The holder of an approval must notify the authority immediately if a required consent has been or is going to be withdrawn and the date on which it was or is to be withdrawn.

8. Where consent was not previously required, the holder of an approval must notify the authority immediately if consent is now or will be required and the date from which it was or will be required.

9. The approved premises must be made available at all reasonable times for inspection by the authority.

10. 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.

11.—(1) Save as provided below, 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.

(2) These are the exceptions to the prohibition above—

(a) the consumption of food or drink as a part of any religious ceremony that takes place prior to the proceedings;

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- (b) the consumption of non-alcoholic drinks prior to the proceedings.
12. The 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.
13. 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.
14. The arrangements for and content of the proceedings must meet with the prior approval of the authority.
- 15.—(1) The proceedings conducted on the approved premises may not be religious in nature.
- (2) In particular, the proceedings may 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 (unless that person is also a civil partnership registrar and is leading the proceedings solely in that capacity);
  - (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 containing an incidental reference to a god or deity in an essentially non-religious context.
16. Public access to any proceedings in approved premises must be permitted without charge.
17. 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 the formation of civil partnerships under section 6(3A)(a) of the 2004 Act but must 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.
18. If a change of name to the approved premises occurs after the issue of the civil partnership document but before the proceedings, the former name of the approved premises as recorded in the civil partnership document remains valid for the purposes of the proceedings.”

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the [Marriages and Civil Partnerships \(Approved Premises\) Regulations 2005 \(S.I. 2005/3168\)](#) (“2005 Regulations”) so as to enable the approval of religious premises as a place where the formation of civil partnerships may take place. The 2005 Regulations make provision for the approval of premises for civil marriages and the formation of civil partnerships. Religious premises (as defined in section 6A of the Civil Partnership Act 2004 (c. 33)) could not previously be approved for the formation of civil partnerships and they may not be approved, by virtue of the 2005 Regulations, for civil marriages. The prohibition in respect of civil partnerships (in England and Wales) has been lifted by section 202 of the Equality Act 2010 (c. 15).

The amendments to the 2005 Regulations are made by regulation 2. Many of the amendments are consequential but notable changes are explained below.

Regulation 2(3) inserts new regulations 2A to 2D. New regulation 2A clarifies that the 2005 Regulations are not intended to oust the faculty jurisdiction of the Church of England. New regulation 2B clarifies that the 2005 Regulations do not oblige a trustee or proprietor of religious premises to make an application for approval (and see also section 6A(3A) of the Civil Partnership Act 2004). New regulation 2C sets out the kinds of premises that may be approved for civil marriage and for the formation of civil partnerships. Premises that are not religious premises may be approved for both. Premises that are religious premises may be approved only for civil partnerships. An application for approval of religious premises may only be made if the appropriate governing authority of the denomination concerned has consented to it being made. New regulation 2D sets out how applicants – who will be the trustees or proprietors of premises - may demonstrate that they have this consent, referred to in the regulations as the “required consent”. Premises that are of a description specified in the table in Schedule A1 to the 2005 Regulations (inserted by Schedule 1 to these Regulations) must obtain the consent of the person or body specified in the table (unless consent is not required, in which case this will be indicated). Premises not of a description specified must obtain the consent of the governing authority of the religious organisation for whose religious purposes the premises are used. Where consent is not required (because the specified body or governing authority has determined that it’s not) then the application will need to include a signed statement to this effect.

Regulation 2(5) inserts new regulations 3A and 3B. New regulation 3A sets out how applications for approval of religious premises are to be made. It mirrors the existing application procedure for premises that are not religious premises set out in regulation 3 of the 2005 Regulations except that applicants must also include the required consent and the application must satisfy the standard requirements in Schedule 1A to the 2005 Regulations (inserted by Schedule 2 to these Regulations) rather than Schedule 1 to the 2005 Regulations. Once an application is received an authority must arrange for the premises to be inspected. But in relation to religious premises an authority may decide not to inspect premises if it considers that this is not necessary (new regulation 3A(5)). This may be, for example, because marriages are solemnized on those premises in accordance with the Marriage Act 1949 (c. 76).

New regulation 3B makes provision for religious premises that are shared under the Sharing of Church Buildings Act 1969 (c. 38) (“1969 Act”). This Act makes provision for the Churches to which it applies to enter into sharing arrangements in respect of church buildings and, less formally, for the shared use of chapels located in public institutions such as hospitals and universities. By virtue of amendments made to regulation 2 of the 2005 Regulations (interpretation) by regulation 2 of these Regulations the latter are referred to as “shared buildings”. Whilst an application made in respect of religious premises shared under the 1969 Act will still be made by a trustee or proprietor of the premises, it will need to include the required consent of all the Churches that share the premises. If the premises are approved, that approval will remain in force if a sharing Church withdraws from the sharing agreement or no longer uses a shared building (new regulation 7(2A) of the 2005 Regulations as inserted by regulation 2(9)(b) of these Regulations).

Regulation 2(7) of these Regulations amends regulation 5 of the 2005 Regulations (grant or refusal of approval). In particular it inserts new paragraphs (1A) to (1C). Only the types of religious premises specified in new paragraph (1B) may be approved. When approval is granted the authority must impose the conditions which are set out in new Schedule 2A of the 2005 Regulations (as inserted by Schedule 3 of these Regulations) (and see further below).

Regulation 8 of the 2005 Regulations makes provision for the revocation of approvals and that regulation will apply to religious premises that have been approved. However, regulation 2(11) of these Regulations inserts a new regulation 8A which concerns revocation of approvals of religious premises only. This makes provision for the revocation of approval where the required consent is withdrawn or where consent will henceforth be required (where it was not before). In these circumstances, and unless consent is provided, the authority must revoke the approval. The

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revocation will take effect on the day following that on which the authority received the notification or the day on which the consent will be withdrawn or required, whichever is later. The standard conditions contained in Schedule 2A and referred to above require the holder of an approval to notify an authority if consent is being withdrawn or will be required (paragraphs 7 and 8).

Regulation 2(16) (and Schedule 2) inserts the new Schedule 1A (referred above) to the 2005 Regulations. Schedule 1 to the 2005 Regulations sets out the requirements that must be satisfied before an application for approval of premises that are not religious premises is granted. Schedule 1A will set out the requirements that must be satisfied in relation to religious premises. In particular the requirement that premises are regularly available to the public for the formation of civil partnerships will apply subject to the application of paragraph 2 of Schedule 23 to the Equality Act 2010 (c. 15) (which provides an exception from the prohibition of discrimination to permit certain religion or belief based organisations in relation to certain activities to discriminate because of religion or belief or sexual orientation).

Regulation 2(18) (and Schedule 3), inserts a new Schedule 2A. This sets out the conditions that an authority must attach to an approval of religious premises. These largely mirror those that are attached to approvals of other premises (and contained in Schedule 2 to the 2005 Regulations) but with a number of notable exceptions: section 2(5) of the 2004 Act prohibits any religious service taking place whilst the civil partnership registrar is officiating at the formation. By virtue of Schedule 2 to the 2005 Regulations the civil partnership formation may not be religious in nature and for these purposes this includes any introduction to, interval or conclusion to those proceedings. In relation to religious premises this prohibition applies only during the proceedings themselves (paragraph 15 of Schedule 2A). Similarly the consumption of food and drink will be permitted prior to the formation in so far as it forms part of a religious ceremony taking place beforehand (for example Holy Communion) (paragraph 11 of Schedule 2A). There are also some additional conditions, in particular: the requirement to inform the authority if consent has been or will be withdrawn or required; and the requirement to inform the authority if the premises cease to be religious premises of a type described in new regulation 5(1B).

Finally three changes are made to the scheme more generally. First, regulation 2(6) of these Regulations substitutes new paragraphs (1) and (1A) for paragraph (1) of regulation 4 of the 2005 Regulations. Applications may now be advertised either in a local newspaper or on the authority's website (previously it was in a local newspaper only). Second, regulation 2(9) amends regulation 7(1) of the 2005 Regulations such that now approvals will be granted for such period, being not less than three years, as the authority determines. Previously approvals could only be granted for a period of three years. Third, the prohibition on the consumption of food and drink in the same room as the proceedings take place during the proceedings and for one hour before has been relaxed. Regulation 2(17) amends paragraph 7 of Schedule 2 to the 2005 Regulations (and the equivalent provision in respect of religious premises is contained in paragraph 11 of new Schedule 2A) so as to permit non-alcoholic drinks to be consumed in the same room as the proceedings take place prior to (but not during) those proceedings.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Home Office website (published together with the government's response to the consultation on civil partnerships on religious premises) [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It is also published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).