
STATUTORY INSTRUMENTS

1995 No. 510

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

The Marriages (Approved Premises) Regulations 1995

Made - - - - *28th February 1995*
Laid before Parliament *6th March 1995*
Coming into force - - *1st April 1995*

The Secretary of State for Health, in exercise of the powers conferred by sections 46A, 46B(2) and 51(1A)(b) of the Marriage Act 1949(1) and of all other powers enabling her in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Marriages (Approved Premises) Regulations 1995 and shall come into force on 1st April 1995.

Interpretation

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

“the Act” means the Marriage Act 1949(1);

“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 Act(2) and “approved premises” shall be construed accordingly;

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

(1) 1949 c. 76.

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(2) Section 26(1)(bb) was inserted in the Act by the Marriage Act 1994 (c. 34), section 1(1).

“proper officer” means the proper officer referred to in section 13(2)(h) of the Registration Service Act 1953(3);

“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) 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 marriages will be solemnized 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
 - (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

(3) 1953 c. 37. See also the Local Government Act 1972 c. 70, section 270(3) and (4)(c).

(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 are unlikely to be available regularly to attend the solemnization of marriages 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 the solemnization of marriages on the premises does not give rise to a nuisance of any kind.

(2) Forthwith upon grant of an approval the holder of that approval shall notify to the proper officer the name, address and qualification of the responsible person.

Expiry and renewal of approval

7.—(1) Subject to paragraph (5) 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 less than six months nor 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 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.

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 the solemnization of marriages in pursuance of section 26(1)(bb) of the Act.

(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) to the superintendent registrar for the district 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 his opinion, there have been breaches of the law relating to marriage on the approved premises.

(7) Before directing any such revocation the Registrar General shall notify the holder of the grounds upon which he 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 he shall specify.

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

(9) The authority shall forthwith 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 forthwith give notice of the revocation to all parties who have made arrangements to marry in the premises which were approved but whose marriage has not yet been solemnized 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 8(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 forthwith arrange for 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 marriages are to be solemnized;
- (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 that 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 forthwith upon the grant of an approval and shall amend the register forthwith on notification that any of the details listed in paragraph (1) have changed, or on renewal or revocation of an approval.

(3) Forthwith on making or amending any entry in the register, the proper officer shall deliver a copy of the entry or amendment to the Registrar General and to the superintendent registrar for the district in which the premises in question 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 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) An 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 and the authority may set different fees 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).

Signed by authority of the Secretary of State for Health

28th February 1995

Tom Sackville
Parliamentary Under Secretary of State,
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 5(1)

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 solemnization of marriages.
2. The premises must be regularly available to the public for use for the solemnization of marriages.
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 have no recent or continuing connection with any religion, religious practice or religious persuasion which would be incompatible with the use of the premises for the solemnization of marriages in pursuance of section 26(1)(bb) of the Act.
5. The room or rooms in which ceremonies of marriage will be solemnized 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 persons 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 each marriage ceremony and throughout each marriage ceremony.
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) 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 marriages are to be solemnized,
 - (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 solemnization of marriages in pursuance of section 26(1)(bb) of the Marriage Act 1949 and identifying and giving directions to the room in which a marriage ceremony is to take place must be displayed at each public entrance to the premises for one hour prior to the ceremony and throughout the ceremony.

7. No food or drink may be sold or consumed in the room in which a marriage ceremony takes place for one hour prior to that ceremony or during that ceremony.

8. All marriage ceremonies must take place in a room which was identified as one to be used for the solemnization of marriages on the plan submitted with the approved application.

9. The room in which a marriage is solemnized must be separate from any other activity on the premises at the time of the ceremony.

10. The arrangements for and content of each marriage ceremony must meet with the prior approval of the superintendent registrar of the district in which the approved premises are situated.

11. Any reading, music, words or performance which forms part of a ceremony of marriage celebrated on the premises must be secular in nature; for this purpose any such material used by way of introduction to, in any interval between parts of, or by way of conclusion to the ceremony shall be treated as forming part of the ceremony.

12. Public access to any ceremony of marriage solemnized 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 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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 1 of the Marriage Act 1994 amended the Marriage Act 1949 to permit civil marriages to take place on premises approved for the purpose by local authorities. These Regulations set out the application procedure (regulations 3 and 4), criteria for approval (regulation 5) and requirements for registers of approved premises (regulation 10). Detailed requirements for approval and standard conditions to be attached to every grant of approval are set out in Schedules 1 and 2 respectively. Regulation 6 provides for the imposition of both the standard conditions and additional conditions.

Regulation 7 specifies the duration of approvals and the procedure for renewal and regulation 8 sets out the grounds for revocation. Regulation 9 provides for reviews of decisions made by the local authority.

Provision for authorities to charge for approval of premises and renewals of approvals and for the superintendent registrar before whom a marriage is solemnized at approved premises to receive a fee are made by regulation 12.