

# **W e s t m o r l a n d & F u r n e s s R e g i s t r a t i o n S e r v i c e**

**Requirements and application information, including  
the formal terms and conditions, regarding the Grant  
of Approval for approved premises**

*'APPROVAL OF PREMISES AS A VENUE FOR MARRIAGES IN PURSUANCE OF SECTION  
26(1)(bb) OF THE MARRIAGE ACT 1949 AND AS A VENUE FOR CIVIL PARTNERSHIPS IN  
PURSUANCE OF SECTION 6(3A)(a) OF THE CIVIL PARTNERSHIP ACT 2004, AND  
ARRANGEMENTS FOR THE USE OF LINKED OUTDOOR AREAS*

**Steph Cordon**  
*'Proper Officer for Registration'*

# Section One

## NOTES ON THE REQUIREMENTS FOR THE SUBMISSION OF APPLICATIONS FOR AN APPROVED PREMISES LICENCE

Westmorland & Furness Council is the local authority responsible in Westmorland & Furness for the approval and licensing of venues for the solemnization of marriages and the registration of civil partnerships under the provisions of sections 46A and 46B of the Marriage Act 1949 and section 36(1) of the Civil Partnership Act 2004, and the arrangements for the use of linked outdoor areas.

Any approval is granted by the responsible officer within the local authority who has the mandatory statutory post of 'Proper Officer for Registration'.

### Notes relating to applications and renewals

1. The fee for a grant of approval licence is:

- **£1,560 for a three-year licence**
- **£2,400 for a five-year licence**

The fee is to be submitted in full at the time of application and is non-refundable once the application process has commenced.

2. All applications made (new or a renewal) must include the following:

- Application form completed
- Confirmation of the fees being paid (please email us to request BACS details or an Invoice raised)
- Floor plan of the premises with the rooms to be licensed clearly marked
- Boundary plan of the premises with any outdoor linked areas for ceremonies clearly marked
- Confirmation that any land we cross from the main highways is owned by you and we have your permission. Alternatively, if we need to cross land/use roads or lanes owned by someone else can we have their written permission to access your property
- Evidence that you are a registered business (Licensing Act 2003, Business rates or a Business invoice)
- Evidence of your current & valid public liability insurance
- A compliant fire risk assessment which evidences no outstanding high or medium risk concerns which have not been actioned to date.
- Fire Risk Assessment Disclaimer signed by the applicant

**If you make a submission without all the relevant documentation in place & fees paid, we will return this to you until such times as all documents are received & fees paid so your application can be considered.**

3. An application must be made by the proprietor, owner and/or trustee of the premises. When made on behalf of a limited company there should be a separate statement of the names and addresses of the directors.
4. The application must include details of the 'responsible person(s)' at the venue who will manage the day-to-day compliance with the Grant of Approval terms and conditions and, if different, those staff who will be in attendance to manage/coordinate proceedings when ceremonies take place.

5. There is no limit to the number of rooms within the premises that can be included in the approval under the terms of the licence.
6. The application must include the designation/name of the rooms, and details of the maximum number of people each room can accommodate seated. *Please Note; seating must be provided for all guests. Standing to observe a ceremony is not acceptable.*
7. The application should be submitted to:

Carlisle Registration Office  
Lady Gillfords House  
Petteril Bank Road  
Carlisle  
CA1 3AJ

Email: [westmorlandandfurnessro@cumbria.gov.uk](mailto:westmorlandandfurnessro@cumbria.gov.uk)  
Tel: 0300 373 3300

8. If you wish to make the payment by BACS, please contact us for further details. Cheques for the fee should be made to 'Westmorland & Furness Council' or an invoice can be raised upon request.
9. The grant of approval will run for 3 years or 5 years from the date granted, unless subsequently revoked.
10. The premises and any relevant documentation must be reasonably available for any inspection requested by the Registration Service.
11. No bookings can be taken for ceremonies taking place after a licence has expired at a venue. As couples can make bookings/give notice up to one year in advance, any application for a renewal of an *existing licence* should be completed one year before it is due to expire.  
NB: All renewals will run consecutive to the expiry date of the current licence.
12. Should the Grant of Approval be revoked for any reason, or the premises no longer wishes to hold a licence, no part of the fee is refundable regardless of the period of time left prior to the expiry.
13. The Registration Service must be notified, in writing, if any changes are made which affect the terms of the licence. This includes, but is not limited to, a change of ownership, requests for additional/changes to rooms or layout, or different responsible person(s).
14. The process from application to the Grant of Approval being issued usually takes approximately 12 weeks to complete. This process includes:
  - processing of the application and clearance of any payment through the banking system.
  - a formal inspection of the venue by a Registration Officer. Please note that we do not carry out any venue inspections in January, July, or August.
  - Statutory legal notice on the Westmorland & Furness Council website for 21-day for any representations or objections to be submitted.
  - the issue of the grant of approval by the local authority.
15. Should an objection(s) be received there may be a subsequent delay in the processing while a review and/or investigation takes place. If an objection is upheld the applicant will be advised of the reason for the grant being refused and the process by which they can appeal.

# Section Two

## LOCAL AUTHORITY REQUIREMENTS FOR A GRANT OF APPROVAL

All premises granted a licence must fulfil the following requirements, and terms and conditions, throughout the period that the licence is granted. Failure to comply may result in revocation of the licence.

1. Having regard to the use, location, situation, construction and state of repair, a premise must, in the opinion of the Local Authority, be a seemly and dignified, and appropriate venue for the solemnisation of marriages and the formation of civil partnerships.
2. The premises must be regularly available to the public for marriages and the formation of civil partnerships, and when ceremonies are taking place there must be 'un-fettered access' for all to the premises, without any charge/fee being levied.
3. If access to the venue is via private land, other than that which is owned by/part of the venue, proof of right of access should be provided to verify that permitted and unfettered access is available to all.
4. The premises must have the benefit of a current fire risk assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005, and any other reasonable provisions for the health and safety of persons employed at, or visiting, the premises as the Local Authority considers appropriate.
5. The premises must **not**:
  - be a private house or dwelling, or any premises that is not available for public use;
  - be religious premises as defined by section 6(2) of the Civil Partnership Act 2004;
  - display at any time any religious symbols, candles (lit or not), artefacts or pictures in any rooms defined under the licence or communal areas located near to the rooms;
  - a register office, but this paragraph does not apply to premises in which a register office is situated provided that the room which is subject to approval is not the same room as the room which is the register office.
6. The premises have an approval granted for both the solemnisation of marriages and the registration of civil partnerships, and the local authority expects venues to be readily available for either type of ceremony. Under the terms of the Equality Act (Sexual Orientation) Regulations 2007 the premises may be liable to legal action taken by the parties concerned against the holder of the approval under grounds of discrimination.
7. The room(s) in which proceedings will be held must be identifiable by description as a distinct part of the premises.
8. Any outdoor structure, such as a gazebo or pergola or outdoor linked area granted an approval may only be used if it is deemed acceptable by the registration staff on the day, taking in to account staff health & safety as well as welfare of the legal schedule. As the weather is very changeable in Westmorland & Furness, provision should always be made for an alternative room at short notice. Westmorland & Furness Registration Service can afford no guarantee that an outdoor ceremony will be granted.
9. Venues should ensure that adequate and appropriate arrangements, where practicable, are in place for disabled access and those with limited mobility.

It is the venue's responsibility to make all clients aware at the time of booking what provisions are in place and the level of access available.

The Registration Service accepts no liability for any claim made by individuals on the grounds of breach of DDA or Equalities legislation.

10. There should be a separate room, distinct from where the ceremony will take place, available for the registrars to undertake the formal preliminary interview with the couple prior to the ceremony. This must be private, suitably located and appropriate for this function.  
*Please note that rooms such as hotels bedrooms, vacant or occupied, are not appropriate for this purpose, and will not be permitted.*
11. There should be adequate toilet facilities provided to meet the needs of the maximum number of people that the venue and/or ceremony rooms can accommodate.
12. There should be car parking spaces (at no charge) reserved for two registration staff vehicles on days when ceremonies are taking place, a minimum of one hour prior to, and for the duration of, the ceremony. These should be easily accessible, of an appropriate size and located close to the premises.
13. The approved room(s) at the venue should have seating for a minimum of 20 people.
14. No food or drink may be sold and/or consumed in the room(s) in which proceedings take place for one hour prior to, and during, the proceedings. This includes the outdoor linked areas.
15. The appropriate public notice(s) should be displayed with details of any ceremony taking place, in line with the statutory requirements for all approved venues.
16. Ceremonies in Westmorland & Furness take place between the hours on 08:00am and 18:00pm. However, they must have ended by 18:00pm. Therefore, we will not take bookings for ceremonies any later than 17:00pm thus enabling them to be concluded fully by 18:00pm.
17. The Registration Service will endeavour to accommodate the dates/times clients request for their ceremony. However, it is important to note that certain dates and times of the day/week are more popular than others, and the number of registrars available at any one time is not unlimited. Therefore, venues must ensure they are flexible and reasonable with the times they offer to clients, as being too restrictive may ultimately limit the number of ceremonies that can take place.
18. Any arrangements and content for a ceremony must meet with approval of the Registration Service and licensed premises should remind clients at the time of booking that they will need to agree any plans they have when they book the registrar to undertake proceedings.
19. The appointed responsible person (or a suitable qualified alternative) must be in attendance a minimum of one hour before the ceremony to supervise the proceedings and **remain present throughout until the registrars leave.**
20. The licence holder and/or venue is liable for costs or damages incurred as a result of delays in a ceremony taking place due to issues such as, but not limited to, difficulties by registration staff gaining access to the premises due to weather and/or traffic congestion on private access roads or within the grounds of the premises. This also includes delays due to other guests or visitors to the venue, power failures, etc.  
Any claims as a result of this are the sole responsibility of the licence holder, and the registration service accepts no liability.
21. The registrar and/or the Registration Service has the **absolute right** to refuse to attend a venue:
  - If it is seen that weather and/or travel conditions, or the use of access roads, mean it is unsafe and/or places staff at an unnecessary risk.
  - If the Emergency Services (Police, Fire Service, etc.) state that it is unsafe for staff to travel, continue to travel or attempt to access a venue.**The service accepts no liability where this decision is taken.**
22. The premises and/or responsible person should take all reasonable measures to ensure that there is no delay in the commencement of the legal preliminaries or the ceremony.
23. Registrars work to a strict timetable, often with several ceremonies in one day. Licensed premises have an obligation to ensure that delays do not occur, and that any timetable is adhered to. This includes ensuring clients are not late and ceremonies commence on time.

In the event of a delay of this type, the Registrar may be required to leave to attend another ceremony elsewhere, even if this ceremony has not taken place. Obviously, these circumstances will impact upon the venue and any subsequent functions/celebrations.

In this event, the registrar will advise the responsible person of the time at which they will leave, and the responsible person will be requested to relay this information to the client. The Registration Service accepts no liability for any costs incurred in circumstances where a registrar has to leave without having undertaken a ceremony.

24. It is recommended that all approved venues make clients aware at the time of booking, and on the day of the ceremony, that the time of the ceremony is fixed, and any delay may mean that their ceremony will not take place.
25. Delays due to third parties, such as, but not limited to, photographers, hairdressers, catering and guests are not reasonable reasons to delay the commencement of a ceremony.
26. Should any following ceremony be delayed as a result of issues such as access, delays in a ceremony taking place for reasons within the control of the premises, the licence holder may be held liable for any resulting claim made against the Registration Service and Local Authority, and for any reasonable costs incurred. The licence holder should hold the appropriate insurance and indemnity to cover this type of issue.
27. The use of animals / birds at ceremonies is discouraged due to their unpredictable nature. Request of this type must be made to the Registration Service, and agreed in advance, to ensure they are appropriate. If agreed, no delays due to their involvement will be permitted. A copy of our policy in this regard is available on our website.
28. Under normal circumstances a Grant of Approval or licence is granted for three years, however, due to the nature of some venues and possible issues surrounding access to the property, the local authority has the right to reviewed any licence at the end of 12 months, and if appropriate revoke the licence should it be viewed that the venue is not suitable and does not meet the stated terms and conditions.
29. The Registration Service and Local Authority may at any time, should they see fit, amend the terms and conditions applied, or revoke the licence if the terms and conditions of this licence are not complied with in full. The licence holder is liable for any losses or damages future clients may incur due to the revocation.
30. If any changes are made that affect the licence the proprietor, owner or trustee should inform the Registration Service in advance, in writing, to ensure that any changes comply with the terms of the licence. This includes, but is not limited to, changes to rooms and layout, different responsible person(s) and ownership of the premise.
31. Religious blessings at approved venues under normal circumstances should not be held on a regular basis. The licence for the venue for civil registration purposes only (non-secular), and religious blessings or similar may invalidate this licence if they take place on a regular basis.

## **BUILT PREMISES AND OUTDOOR LINKED AREAS**

1. Following changes introduced by the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2022 (the 2022 amending regulations), "premises" is defined as "built premises" together with "linked outdoor areas".
2. "Built premises" are defined as a permanently immovable structure comprising at least a room or any boat or other vessel which is permanently moored.  
"Linked outdoor areas" means any areas within the boundary of the land of which the built premises form part, which are not built premises, and which may be used in common with the built premises.
3. Any premises outside this definition, such as most forms of transport, or land which is not land of which the built premises form part, would not be eligible for approval. The minimum requirement for approval is that there must be built premises, whether or not there are any

linked outdoor areas. In addition, there are other statutory requirements that must be met before an approval can be granted

4. In terms of the built premises, having regard to their primary use, situation, construction and state of repair, these must, in the opinion of the authority, be a seemly and dignified venue for the proceedings. Proceedings on built premises must take place in a room, or room within the built premises which is identifiable by description as a distinct part of those premises. The primary use of a building would render it unsuitable if that use could demean proceedings or bring them into disrepute.
5. The 2022 amending regulations permit existing approved premises to conduct ceremonies in any linked outdoor areas which are available for use by the premises without the need for any prior approval of these linked outdoor areas. For new applications for approval as approved premises, a plan of the premises must be submitted. The plan must show both the built premises (and the room or rooms within the built premises for which approval is sought and which are to be used for proceedings) together with the boundary of the land of which the built premises form part. It is not necessary to identify on the plan specific locations within the linked outdoor areas where proceedings are to take place. It is important to note that the regulations do not permit another premise on the same land which is not an approved premise to conduct any outdoor proceedings in the linked outdoor areas.
6. There is a requirement in respect of the location for each proceeding within the linked outdoor area that prior confirmation must be secured from the superintendent registrar of the district in which the approved premises are situated (or the authority, as the case may be) that in their opinion, having regard to the primary use, situation, construction and state of repair, the proceedings will take place in a seemly and dignified location within the linked outdoor areas. It follows that the assessment is specific to the location where individual proceedings will take place and not to the linked outdoor areas as a whole.
7. The responsible person must therefore discuss with the superintendent registrar (or the authority, as the case may be), the proposed location for outdoor proceedings before arranging those proceedings to secure confirmation that the proposed location is seemly and dignified. This is to avoid a situation where proceedings cannot take place on the day because they fail to meet the seemly and dignified condition. Approved premises are being strongly advised to ensure that no other activities are planned to take place within the linked outdoor areas at the same time as the proceedings, to ensure that such activities will not affect the prior assessment of the location as being seemly and dignified.
8. The location for the proceedings must be identifiable by way of description to the public and a suitable notice must be displayed at each public entrance to the premises (both the built premises and the linked outdoor areas) stating:
  - that the premises have been approved for the proceedings;
  - a description of the location of the outdoor proceedings;
  - directions to the outdoor proceedings.
9. Food and drink may not be sold to, or permitted to be consumed by, persons gathering for the purpose of the proceedings, or during the proceedings (save for non-alcoholic drinks consumed prior to the proceedings).
10. The approved venue should supply the necessary confirmation that the proposed location for the outdoor proceedings is within the boundary of the land of which the built premises forms part, and which is available for use by the built premises.
11. It is for approved premises to determine whether or not they wish to provide the option of proceedings in any linked outdoor areas and to ensure that the requirements for proceedings held in those areas meet the necessary conditions. As with all functions held on public premises, approved premises will need to ensure that existing health and safety requirements and fire precautions are complied with. There is no requirement for approved premises to facilitate outdoor proceedings.

# Section Three

## IMPORTANT INFORMATION

1. All those employed by the local authority and Registration Service are bound by the Officers Code of Conduct, and as such are expected to be both courteous and polite at all times, and to treat others with dignity and respect. In return we therefore expect our customers, staff and owners at approved venues, and all others involved in the services we provide, to afford all our staff the same polite courtesy and respect.
2. We have an absolute zero tolerance policy regarding offensive, aggressive and/or intimidating behaviour (verbal or physical) towards the local authority and Registration Service employees. Where this type of behaviour takes place towards our staff the authority will take all appropriate actions against the individuals, groups and/or businesses, and when required report the matter to the Police.

In the event of any such behaviour our staff may remove themselves from the location which then may mean a ceremony does not take place as planned. Our staff has the absolute discretion in cases such as this, and the service accepts no liability for any resultant claims for losses or damages.

3. It is an approved venue's responsibility to mitigate where possible the risk of this type of behaviour and have the appropriate procedures in place to manage the situation should an incident of this type occur.
4. The responsible person will be required to remove from the ceremony, or venue, any individual(s) who display this type of behaviour, or who have, or may cause disruptions, delays or detract from the solemn and dignified nature of the legal proceedings.

# Section Four

## APPLICATION PROCESS

1. Upon receipt of the appropriate application form and documentation, and payment of the fee, a representative of the Registration Service will contact the applicant to make any necessary arrangements for an inspection visit. This timeframe will need to allow for clearance of payments and preliminary procedures to be carried out.
2. Confirmation will be supplied giving the date/time of the inspection visit, and we will also request:
  - The individuals who must be present for the inspection visit;
  - Any appropriate documentation the Council must review as part of the inspection and licencing process (e.g. Fire Risk Assessment, Certificate of Insurance Liability, etc.).
3. During the inspection visit all areas of the venue which applies to the licence application must be available for inspection. Depending upon the size of the venue the visit may last up to approximately 1 hour.



4. Should the venue cancel the visit without reasonable notice, be unduly late, or the relevant/required staff be unavailable on arrival for the appointment, it may be some time before another appointment can be offered, thus delaying the approval process.

*(Please note: Where appropriate we also reserve the right to levy an additional charge should a further visit(s) be required).*

5. If the Council cancels an inspection visit due to circumstances beyond our control (such as travel conditions or weather), we will obviously alert the venue as soon as is possible and arrange an alternative date/time.
6. We recommend you instigate the process of the renewal of an existing licence as early as is possible to avoid problems with the completion of legal preliminaries for couples should the renewal of a licence be delayed or expire.

# Section Five

## Application Form

### **APPLICATION FOR PREMISES TO BE APPROVED AS A VENUE FOR MARRIAGES IN PURSUANCE OF SECTION 26(1)(bb) OF THE MARRIAGE ACT 1949 AND CIVIL PARTNERSHIPS IN PURSUANCE OF SECTION 6 (3A)(a) OF THE CIVIL PARTNERSHIP ACT 2004. AND ARRANGEMENTS FOR THE USE OF LINKED OUTDOOR AREAS**

This application must be made by the proprietor or a trustee of the premises. If successful, the applicant will be the holder of the approval.

1. I apply for the premises named in Section 2 of the application form to be approved for the solemnization of marriages and the registration of civil partnerships.
2. I attach a copy of a plan of the premises showing all the room(s) in which it is intended that marriages or civil partnerships will take place.
3. I understand that:
  - a) the premises will be inspected for suitability before approval is granted and, if this application is successful, may be subject to subsequent inspection;
  - b) Public notice of the application will be given by a notice on the Westmorland & Furness Council website with a period of 21 days for objections;
  - c) Approval, if granted, will be for a three-year or five-year period, subject to revocation;
  - d) The premises must satisfy the local authority on fire precautions & health and safety provisions.
4. I declare that:
  - a) I have read and understood the information contained within the application documentation;
  - b) The building is not a register office or religious premises.
5. I further declare that, if approval is granted:
  - a) The premises will be regularly available for public use for either the solemnization of marriages or the registration of civil partnerships;
  - b) I will comply with the stated terms and conditions within this application and any additional 'local conditions' attached to that grant of approval for this premises.

Signed: .....

Date: .....

Print Name: .....

Position/designation: .....

*NB: Please use additional pages if required*

<p>1. Full names and addresses of applicant.</p> <p><i>If the application is made by a limited company please give the address of the registered office and where different also state the main trading address of the company.</i></p>	
<p>2. Name and postal address of the premises which are the subject of this application.</p>	
<p>Telephone Number.</p>	
<p>Email address.</p>	
<p>3. Please describe the nature of the premises at question 2 (e.g. hotel, stately home, civic accommodation) and the primary and other uses to which it is regularly put.</p>	
<p>4. Is the person or company named in reply to question 1 the occupier of the premises?</p> <p>If the answer is 'No' and there is another occupier, please provide their name(s).</p>	
<p>5. Full name and contact number for the Responsible person(s)</p> <p><i>Refer to Annex C for further information</i></p>	
<p>6. Please state here <b>ALL</b> rooms to be licenced and the maximum number of people permitted to occupy each room in which ceremonies are intended to be held, under your fire risk assessment.</p> <p><i>Include a plan of the premises which clearly identifies the room or rooms in which the proceedings will take place together with the boundary of the land of which the built premises form part for which the linked outdoor areas may also be used for the proceedings.</i></p>	
<p>7. Does the premises currently have the benefit of any licence issued under the Licensing Act 2003 which may be relevant to this Application? (e.g. for the provision of regulated entertainment). If so, please attach a copy.</p>	



### **Fire Risk Assessment Disclaimer**

**As part of your application to become an approved venue for ceremonies we are obliged to ascertain that you have a Fire Risk Assessment in place for your premises. As such we require a copy of your current Fire Risk Assessment together with this signed disclaimer confirming the following:-**

1. The Venue has a fire risk assessment that is suitable and compliant.
2. Correct testing procedures and maintenance are in place for fire safety systems.
3. Proper records and documentation are being kept on fire safety measures.
4. The responsible person reviews the fire risk assessment annually ensuring its compliance, with no outstanding medium or high actions and is responsible for implementing any significant findings.
5. All Fire Safety documentation will be available to view on inspection.

By signing this Fire Risk Assessment Disclaimer, you are agreeing with points 1-5 above and understand that you are liable for ensuring you have a compliant fire risk assessment and for the safety and security of all visitors to your premises.

Name of Venue:.....

Responsible Person Print Name:.....

Signed:.....

Date:.....

<b>Approved Venue Renewal/Application Checklist</b>	✓
Application form completed, signed and dated	
Confirmation of the fees being paid	
Floor plan of the premises with the rooms to be licensed clearly marked	
Boundary plan of the premises with any outdoor linked areas for ceremonies clearly marked	
Confirmation that any land we cross from the main highways is owned by you and we have your permission. Alternatively, if we need to cross land/use roads or lanes owned by someone else can we have their written permission to access your property	
Any existing premise licence or evidence that you are a registered business	
Evidence of your current & valid public liability insurance	
A compliant fire risk assessment which evidences no outstanding high or medium risk concerns which have not been actioned to date.	
A Signed Fire Risk Assessment Disclaimer	

**If you make a submission without all the relevant documentation in place & fees paid, we will return this to you until such times as all documents are received & fees paid so your application can be considered**

# Appendix A

## GENERAL REGISTER OFFICE FOR ENGLAND AND WALES GUIDANCE

*In considering the suitability of any premises as a venue, the authority must have regard to the following Guidance from the Registrar General. This guidance is as follows:*

- 1. The laws relating to 'approved premises' are intended to allow proceedings to take place regularly in hotels, stately homes, civic halls and similar premises without compromising the fundamental principles of English law and Parliament's intention to maintain the solemnity of the occasion.*
- 2. The term 'premises' is defined in Regulation 2(1) is defined as built premises together with linked outdoor areas.*
- 3. The premises must be a seemly and dignified venue for the proceedings, which must take place in an identifiable and distinct part of those premises. The primary use of a building would render it unsuitable if that use could demean proceedings or bring them into disrepute.*
- 4. The premises must not be religious premises as defined by section 6(2) of the Civil Partnership Act 2004. These are premises which are used solely or mainly for religious purposes, or which have been used solely or mainly for religious purposes and have not been subsequently used for other purposes. A building that is certified for public worship would fall into this category as would a chapel in a stately home or hospice. However, premises in which a religious group meets occasionally might be suitable if the other criteria are met.*
- 5. The premises must not be any part of a register office on the plan submitted by the authority and approved by the Registrar General under the Registration Service Act 1953. Any rooms in the same premises as the register office that aren't on this plan, e.g. a council chamber in the same town hall, can be approved but a room in a register office cannot be approved. However, an authority can set its fee for attending a marriage or civil partnership on approved premises at the same level as the prescribed fee for a marriage or civil partnership in a register office.*
- 6. The premises may be used for the solemnisation of marriages and the registration of civil partnerships but must be regularly available to the public for use for one or the other. Under the terms of the Equality Act (Sexual Orientation) Regulations 2007 (which came into effect on 30 April 2007) it is unlawful for a person concerned with the provision to the public of goods, facilities or services to discriminate against a person who seeks to use those goods, facilities or services on the grounds of the sexual orientation of that person. The holder of an approval who does not allow premises to be used for both marriage and civil partnership, or who provides accommodation, services or facilities for one and not the other, is liable to legal action as a result. In common with other equality legislation, this action would need to be taken by the parties concerned against the holder of the approval. The local authority that granted the approval has no powers to act or intervene, unless, of course, it is the holder of the approval.*
- 7. The requirement that the premises must be regularly available for use by the public will preclude a private house from being approved.*

# Appendix B

## ADDITIONAL INFORMATION

### RENEWAL AND REINSTATEMENT

- 1. The holder may apply for the renewal of an approval when the current approval has less than twelve months to run. An application for renewal made in this period will extend the current approval until the application has been finally dealt with. A renewal will run from the expiry date of the current approval.*
- 2. If the holder fails to apply for renewal before the expiry date and the approval expires, it will be reinstated by an application for renewal made within one month of the expiry date and continue until the application has been dealt with.*

### REVOCATION

3. *The authority may revoke an approval if it is satisfied, after considering any representations from the holder, that the use or structure of the premises has changed so that any of the standard or local requirements cannot be met, or the holder has failed to comply with one or more of the terms and conditions attached to the approval.*
4. *The Registrar General for England and Wales may direct the local authority to revoke an approval if, in their opinion and after considering any representations from the holder, there have been breaches of the law relating to marriage or civil partnership on the approved premises. This is not subject to review by the authority.*
5. *When an approval has been revoked the regulations require the former licence holder to notify any couples who had arranged to marry or register a civil partnership on the premises.*

#### REVIEWS

6. *An applicant may seek a review by the local authority of its decision to refuse to grant an approval, to attach local conditions, to refuse to renew an approval or to revoke an approval.*
7. *The review will be carried out by a different officer, committee or sub-committee than that which made the decision which is being appealed against. The review panel may confirm the decision, rescind it or vary it with the imposition of fresh or further conditions.*
8. *The authority may charge an additional fee for a review of its decision to refuse to grant an approval, to attach local conditions or to refuse to renew an approval.*

#### REGISTRATION

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

## **Annex A**

### Schedule 1

#### *Requirements for the grant of approval of premises that are not religious premises*

1. *Having regard to their primary use, situation, construction and state of repair, the built premises must, in the opinion of the authority, be a seemly and dignified venue for the proceedings.*

2. *The built 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 built 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 persons employed in or visiting the built premises as the authority considers appropriate.*

4. *The premises must not be—*

- (a) religious premises;*
- (b) premises where the built premises are a register office (1), but this paragraph does not apply to premises where a register office is situated in the built premises, 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 in the built premises if approval is granted must be identifiable by description as a distinct part of the built premises.*

*(1) 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).*



## **Annex C**

### **Schedule 2**

*Conditions to be attached to grants of approval of premises that are not religious premises*

*1. The holder of the approval must ensure that there is at all times an individual with responsibility for ensuring compliance with the conditions attached to the approval and those conditions set out in Schedule 2B ("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 the conditions attached to the approval.*

*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) 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. For the purposes of proceedings held in the built premises, 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 built premises for one hour prior to and throughout the proceedings.*

*7. – (1) For the purposes of proceedings held in the built premises, 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.*

*8. All proceedings held in the built premises 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. For the purposes of proceedings held in the built premises, the room in which the proceedings are to take place must be separate from any other activity on the built 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 in which the approved premises are situated, or authority, as the case may be.*

*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.*

## **Annex E**

*Schedule 2B - Regulation 6(1)(a)*

**CONDITIONS TO BE ATTACHED TO GRANTS OF APPROVAL OF PREMISES WHICH ARE NOT RELIGIOUS PREMISES RELATING TO PROCEEDINGS HELD IN LINKED OUTDOOR AREAS**

*1. For the purposes of proceedings held in the linked outdoor areas, prior confirmation must be secured from the superintendent registrar of the district in which the approved premises are situated, or the authority, as the case may be, that in their opinion, having regard to the primary use, situation, construction and state of repair, the proceedings will take place in a seemly and dignified location within the linked outdoor areas.*

*2. The location within the linked outdoor areas at which the proceedings take place must be identifiable by directions which are capable of being stated in a notice under paragraph 4 to enable the public to access the location.*

*3.— (1) For the purposes of proceedings held within the linked outdoor areas, save as provided below, no food or drink may be sold to or permitted to be consumed by persons attending the proceedings—*

- (a) when gathering for the purposes of the proceedings; or*
- (b) during the proceedings.*

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

*4. For the purposes of proceedings held within the linked outdoor areas, a suitable notice stating—*

- (a) that the premises have been approved for the proceedings;*
  - (b) the description of the location within the linked outdoor areas at which the proceedings are to take place; and*
  - (c) directions to the location within the linked outdoor areas at which the proceedings are to take place;*
- must be displayed at each public entrance to the premises and the built premises for one hour prior to and throughout the proceedings.*