

ANNEX A

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.

NOTES ON THE REQUIREMENTS BEFORE AN APPROVAL CAN BE GRANTED

Please read all these notes and the Additional Information appended before making any entries on the application form.

- A.** The fee is non returnable and must be submitted with the application.
- B.** The application must be made by the proprietor or trustees of the premises. When made on behalf of a limited company, please supply a separate statement giving the names and addresses of all the directors.
- C.** The premises must fulfil the following standard requirements laid down in Schedule 1 of the Regulations:
- 1.** Having regard to their primary use, situation, construction and state of repair, the premises must, in the opinion of the authority, be a **seemly and dignified venue** for the proceedings.
 - 2.** The premises must be **regularly available** to the public for use for the solemnization of marriages or the registration (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/fire and rescue authority, and such other reasonable provision for the health and safety of persons employed in or visiting the premises as the authority considers appropriate.
 - 4.** The premises must not be –
 - (a) religious premises as defined by section 6 (2) of the Civil Partnership Act 2004*
 - (b) 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.
 - 5.** The room or rooms in which the proceedings (marriage or civil partnership) will be held if approval is granted must be identifiable by description as a distinct part of the premises.

**'Religious premises' means premises which are used solely or mainly for religious purposes, or have been so used and have not subsequently been used solely or mainly for other purposes.*

The premises must also fulfil the following requirements set by the authority (if applicable).

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

- 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) as a permanently immoveable structure comprising at least a room or any boat or other vessel which is permanently moored. Any premises outside this definition, such as the open air, in a tent, marquee or any other temporary structure and in most forms of transport, would not be eligible for approval. In addition, there are requirements in Schedule 1 that must be met before an approval can be granted.
- 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.

***The authority has also resolved to adopt the following policy
– if applicable.***

THE CONDITIONS TO BE ATTACHED TO GRANTS OF APPROVAL

Cornwall Council, the local Registration Authority, is required to attach the following standard conditions from Schedule 2 of the Regulations to any approval: 'Proceedings' means the solemnisation of a marriage or the registration of a civil partnership and does not refer to any other activities on the premises.

- 1.** The holder of the approval must ensure that there is at all times an individual with responsibility for ensuring compliance with these conditions ("the responsible person") and that the responsible person's occupation, seniority, position of responsibility in relation to the premises, or other factors (his/her "qualification"), indicate that he/she is in a position to ensure compliance with these conditions.
- 2.** The responsible person or, in his/her absence, an appropriately qualified deputy appointed by him/her, 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 local authority:
 - (a) of his/her name and address immediately upon him/her becoming the holder of an approval under regulation 7 (2), and
 - (b) of the name, address and qualification of the responsible person immediately upon the appointment of a new responsible person.
- 4.** The holder must also notify the local 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 available at all reasonable times for inspection by the local authority.
- 6.** A suitable notice stating that the premises have been approved for the proceedings and identifying and giving directions to the room in which the proceedings are to take place must be displayed at each public entrance to the premises for one hour prior to and throughout the proceedings.
- 7.** No food or drink may be sold or consumed in the room in which the proceedings take place for one hour prior to or during those proceedings.
- 8.** All proceedings must take place in a room which was identified as one to be used for that purpose on the plan submitted with the approved application.
- 9.** The room in which the proceedings are to take place must be separate from any other activity on the premises at the time of the proceedings.
- 10.** The arrangements for and content of the proceedings must meet with the prior approval of the Ceremonies & Certificates Team.

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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 Marriage Act 1949, and the formation of civil partnerships under section 6 (3A)(a) of the Civil Partnership Act 2004 but shall not state or imply any recommendation of the premises or its facilities by the authority, the Registrar General or any of the officers or employees of either of them.

14. If a change of name to the approved premises occurs after the issue of the certificate for marriage or the civil partnership document, but before the proceedings, the former name of the approved premises as recorded in the certificate for marriage or the civil partnership document shall remain valid for its duration for the purpose of the proceedings.

The following further conditions will be attached by the local authority to an approval:

Failure to comply with any of the following conditions could result in the licence being reviewed and possibly revoked pending an investigation.

- i. **Health and Fire Safety** - Please note that in line with current fire safety regulations you are responsible for undertaking a thorough risk assessment of the venue and for taking immediate action to deal with any findings.
- ii. **Occupancy figures** - Venues must adhere to approved occupancy figures. Failure to do so may result in ceremony arrangements being changed and guests inconvenienced.
- iii. **Parking for Ceremony Officers** - Venues must provide two car parking spaces for Ceremony Officers; these must be safe and easy to access/depart from and as close to the venue as possible. Problems with parking on the day will result in ceremonies being delayed.
- iv. **Approval of outside structure (e.g gazebo)** - the approval and use of an outside structure is subject to local authority conditions. If approved, the use of such a structure will be subject to the final approval of the Superintendent Registrar on the day of the ceremony.
- v. **Addition of a Room(s)** - If, during the term of the current licence, the holder of the approval requests the addition of an extra room (s) for the purpose of civil ceremonies, this will require a formal approval process and is subject to a payment of the full renewal fee.
- vi. **Amendment to existing Licence** - The local authority must be notified in writing of any changes to the property, ownership or responsible person which may affect the terms and content of the licence and/or its named approved areas. Failure to do so may adversely affect the conduct of ceremonies at the venue.

Irregular Ceremonies: The use of the Approved Premise for the conduct of 'irregular' ceremonies would be grounds for revoking the licence. This would include irregular ceremonies conducted in the ceremony rooms identified on the licence as well as irregular ceremonies conducted in any other part of the building or grounds of the premises.

A marriage is void if:-

- the persons are related by blood, marriage or adoption as laid down in the first schedule of the Marriage Act 1949 and the Marriage Prohibited Degrees of Relationship Act 1986,
- the persons or person are under the minimum age (16 years),
- the persons or person are already lawfully married to someone else.

A civil partnership is void if:-

- the persons are related by blood, marriage, civil partnership or adoption as laid down in the first schedule of the Civil Partnership 2004,
- the persons are not respectively of the same sex,
- the persons or person are already lawfully married to, or have an existing civil partnership with someone else.

Ceremony Content:- The County Superintendent Registrar for Cornwall Registration District is responsible for all civil marriage ceremonies and Civil Partnership Registrations/ceremonies that take place within these premises and has the final say on the content of all such ceremonies.

Failure to comply with any of the above conditions could result in the licence being reviewed and possibly revoked pending an investigation.

No further or local conditions are imposed by Cornwall Council on this approval.

Additional Information Relating to Approvals

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 standard or local conditions attached to the approval.
- 4.** The Registrar General may direct the authority to revoke an approval if, in his opinion and after considering any representations from the holder, there have been breaches of the law relating to marriage or civil 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 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 must be carried out by a different officer, committee or subcommittee 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.