

## **DEVON REGISTRATION SERVICE**

### **Marriage Act 1994 Civil Partnership Act 2004 The Marriages and Civil Partnerships (Approved Premises) Regulations 2005**

#### **ADVICE TO APPLICANTS**

The enclosed application form should only be used in respect of one property but may include more than one room within the property. If there are other properties which it is felt may be suitable for the holding of civil marriage ceremonies and civil partnership registrations/ceremonies additional application forms should be submitted. Each application form should be accompanied by the appropriate fee, currently £2,000 (two thousand pounds) for the initial application or £1500 (one thousand five hundred pounds) for a renewal. Cheques should be made payable to Devon County Council.

The application must be made by the proprietor of a freehold or leasehold interest in the premises or a trustee of the premises. If successful the applicant will be the holder of the approval which will run for three years from the date on which it is granted. Any change in the ownership of the premises will also change the holder of the approval. Details of any such change, and any change to the premises or responsible person, must be notified to the local authority as soon as possible.

As may be appreciated the type of property to be approved for civil marriage ceremonies and civil partnership registrations/ceremonies must adhere to the criteria which have been agreed between Devon County Council, as the local Registration Authority, in consultation with the General Register Office and the Association of County Councils. Representatives from the local Registration Authority will be required to inspect the property before any decision is made and may need to ask for further information.

All applications will be processed. If the Authority considers that the property should be recommended as a suitable location for civil marriage ceremonies and civil partnership registrations/ceremonies, details will be advertised in the local press. Should any objections be received these will be dealt with by a panel of elected members who have been appointed by the Authority to deal with objections. Applicants and objectors will be kept informed of any relevant decisions.

Approval, if granted, is for 3 years (thirty six months) from the date of such approval. After such time unless an application for renewal of the licence has been obtained the property will no longer be an approved premise and no civil marriage ceremonies or civil partnership registrations/ceremonies may be arranged. During the period of the approval the Registration Authority will carry out regular inspections to ensure that the standard is maintained.

Details of approved premises, together with the date of approval, will be kept by Devon

County Council as the local Registration Authority. A duplicate copy of this information will be held by the General Register Office at Southport. Amendments to this list will be notified to interested parties within 7 (seven) working days of any decision being made. This may include the granting of a new approval or the revoking of a current approval as a result of a change in circumstances. These details will also be open for public scrutiny during normal office hours.

Any alterations to the property which may affect the ceremony/registration facility must be notified to the local Registration Authority as soon as details are available. If the Registration Authority consider that these alterations may detrimentally affect marriage services or civil partnership registrations/ceremonies it will have the right to suspend the approval or revoke it, depending on the circumstances. A copy of the Inspector's report together with the Registration Authority's decision will be forwarded to the applicant, the local Senior Registration Officer and the General Register Office at Southport. It is then the responsibility of the applicant or their representative to notify any couple who may be considering the use of the premises as a location for their marriage ceremony or civil partnership registration/ceremony. Arrangements would then have to be made by the couple with the local Registration Office to hold the ceremony/registration at another location. Any costs incurred by the couple as a result of this decision may be recoverable from the applicant.

Applicants are reminded that the premises should be available for inspection within a reasonable period should the Registration Authority representative(s) and/or the Regional Inspector for the General Register Office wish to attend.

The premise, the subject of the application, must be a permanent structure and, having regard to its primary use, be a seemly and dignified venue for the solemnization of civil marriage and the registration of civil partnerships. Regulations issued by the General Register Office preclude marriages from taking place in the open air, in a tent, marquee or any other temporary structure and in most forms of transport.

Due to the secular nature of civil marriage and civil partnership 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.

The premises will be approved for the solemnization of marriages and the registration of civil partnerships and must be regularly available to the public for use for both. Under the terms of the Equality Act (Sexual Orientation) Regulations 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 by the persons concerned and the licence may be subject to revocation by the local authority.

Applicants are responsible for checking with the local planning authority whether their premises need additional planning permission for the purposes of holding civil marriage ceremonies and civil partnership registration/ceremonies. If planning permission is required a copy of the relevant permission will need to be produced for inspection.

Applicants are responsible for checking fire regulations with their local Fire Safety Officer. A

copy of an up to date fire risk assessment is required to be submitted with the application form. Basic fire precautions will need to be available together with health and safety provisions for the staff and members of the public.

Applicants are reminded that adequate public liability insurance cover must be provided for the premises and that their insurance company must be advised of the intended future use.

A suitable notice stating that the property is approved for the purpose of holding civil ceremonies should be displayed at all times. On the day of any marriage ceremony or civil partnership registration/ceremony a further notice should be displayed at major entrances giving directions to the ceremony/registration facility 1 (one) hour prior to and during each ceremony.

Applicants are reminded that if the facility is referred to in any of their advertisements it should not be implied that the local authority or the Registration Service is recommending the premises as a venue for civil marriages and civil partnership registrations/ceremonies.

Applicants should be aware that civil ceremonies/registrations may only legally take place between 8am and 6pm.

In order that the Deputy Superintendent Registrar and Deputy Registrar or Civil Partnership Registrar can be assured of arriving at the premises on time for the ceremony/registration it will be necessary for parking facilities to be provided. The parking areas should be clearly visible to all persons attending the premises and should be as close to the entrance as practicable.

The name, address and telephone number of a designated responsible person must be provided. This person must be available for at least 1 (one) hour before the ceremony/registration as well as during the ceremony/registration and should be capable of dealing with any problems which may arise. Details of a deputy responsible person should also be provided. In cases of dispute the Deputy Superintendent Registrar or Civil Partnership Registrar's decision is final.

The physical layout of furniture in the Ceremony Room(s) should be agreed in advance with the Deputy Superintendent Registrar or Civil Partnership Registrar responsible for the Registration Office for the area in which the premises are located. On the day of the ceremony the owner of the premises or their representative will be responsible for ensuring that the agreed layout of furniture is adhered to and that the marriage or civil partnership party and guests are ready to occupy the room at the time of the ceremony.

The ceremony/registration may only take place within the room(s) for which approval has been granted. If the Deputy Superintendent Registrar or Civil Partnership Registrar attends at the property and finds that an alternative location has been provided the ceremony/registration will not take place. Applicants are also reminded that the number of persons attending the ceremony/registration should not exceed the numbers shown on the licence once granted. It should be remembered that specified numbers include two Registration Officers and the couple.

During the civil ceremony/registration neither alcohol nor food should be available in the Ceremony Room or any adjoining area (unless this adjoining area is separated from the ceremony/registration area).

The taking of photographs and the use of video cameras during or after ceremonies/registrations are at the discretion of the Deputy Superintendent Registrar or Civil Partnership Registrar and should be discussed in advance.

If any music is to be played before, during or after the ceremony/registration this must be agreed in advance with the Deputy Superintendent Registrar or Civil Partnership Registrar who will decide whether the choice is appropriate. Control of the music must also be left with the Deputy Superintendent Registrar, Registrar or Civil Partnership Registrar depending on how the music system is operated.

Applicants should be aware that the granting of this approval does not mean that ceremonies/registrations will necessarily be held within the approved premises. Only if the appropriate Registration Officers are available may a marriage or civil partnership registration take place. It is the responsibility of each couple to ensure that the date and time on which they wish to be married or to register their civil partnership has been discussed with staff at the local Registration Office and that a marriage or civil partnership notice has been accepted in the usual manner.

Applications for renewal of an existing approval should be made between 6 (six) and 12 (twelve) months prior to the date of expiry of the current licence. This will allow time for the application to be processed and, if renewed, for details to be circulated to Deputy Superintendent Registrars. Applicants should be aware that Deputy Superintendent Registrars are unable to accept notices of marriage or notices of intention for civil partnerships at approved premises beyond the expiry date of an approval unless an application for renewal has been received and is being processed.

Applicants are reminded that once the application fees of £2,000 or £1500 have been accepted by the Registration Authority and costs incurred no refund will be made.

If approved premises are not utilized as ceremony/registration venues during the period of approval no refund of fees will be made by Devon County Council as local Registration Authority.

Any additional rooms required may only be added to the licence at the time of renewal and not during the existing licence period. A £100 administration fee is payable in addition to the renewal fee. Once the fee has been accepted and costs have been incurred no refund will be made. It is strongly recommended that any rooms that might be suitable for ceremonies, whether utilized or not, are included in the original application.

The Devon Registration Service provides non-statutory naming, renewal of marriage vows and commitment ceremonies. It has taken the decision to only provide these ceremonies at its Registration Offices, Additional Ceremony Rooms and approved venues. If you would not wish for any of these ceremonies to be held on your premises you will need to so indicate on the application form in the appropriate place.

**The law governing this procedure:**

- (i) allows the Registrar General to issue codes of practice for use by local authorities, those in charge of approved premises and registration officers;**
- (ii) requires the owner or trustee of approved premises to allow open access without charge to the room where a marriage ceremony or civil partnership registration is taking place for all members of the public at all times during the ceremony;**
- (iii) requires the parties to a marriage or civil partnership to pay the Superintendent Registrar's fee determined by the local authority as appropriate to recover the costs of the registration officers attending the marriage ceremony or civil partnership registration. The fee shall be remitted to the local authority.**