

Calderdale Registration Service

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GUIDANCE TO APPLICANTS FOR PREMISES TO BE APPROVED AS A VENUE FOR MARRIAGES AND CIVIL PARTNERSHIPS

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THE APPLICATION PROCESS

The application must be made by the proprietor or trustee of the premises and be submitted with all relevant documents to the Register Office.

Payment for consideration of the application can be made by debit or credit card by telephone once the application is received at the Register Office. **This fee is non-refundable.**

Once the application has been submitted in full, with all accompanying documents and payment, our Ceremony Coordinator will contact you to arrange to inspect the premises.

Once a successful inspection has been undertaken an email will be sent to the following responsible authorities asking them to inspect the premises.

- **Fire Safety**
- **Building Control**
- **Environmental Health**
- **Planning**

The following documents may be required to be produced during inspection.

- **Fire Safety documentation**
- **Emergency Lighting documentation**
- **Staff training records**

The Superintendent Registrar will place a notice on the Council's website inviting any objections to the application to be made to The Assistant Director of Customer Services. The objection period is a full 21 days from the date of publication.

If any objections are received within the 21-day consultation period, the Superintendent Registrar will arrange for the application to be heard by a panel of Officers. The applicant(s) will be invited to submit any additional supporting evidence following notification of the objection within 14 days of the end of the 21-day consultation period. This supporting evidence and the objection will be looked at by the panel before the application is determined. Any objections to the application will be dealt with within 28 days from the end of the 21-day consultation period.

If there are no objections to your application, and it meets all the stipulated criteria, your approval will be granted.

We will aim to determine your approval in line with the above processes within a 3 month period. **It is therefore recommended that for applications in respect of a grant of an approval that no bookings for ceremonies are taken by you until an approval is granted and in your possession.**

A Marriage and Civil Partnership Premise Approval is **valid for 3 years.**

You are not authorised to hold civil marriages or civil partnerships until an approval has been signed, dated and is in your possession.

CHANGES TO THE APPROVAL

Changes as outlined in the Standard Conditions

It is essential that you notify us in writing immediately should there be any changes as outlined in the standard conditions to be attached to the approval. Any changes are then notified to the Registrar General and all Registration Officers in the authority who take Notices of Marriage and Civil Partnership and who also receive Notices of Marriages and Civil Partnerships that have been taken outside the authority. The way the premises are specified in the Notices may require an amendment that can only be made before the Certificate for Marriage or Schedule for Civil Partnership is issued. Failure to notify us of changes will mean the legal documentation will show the details held on the current approval rather than the actual detail i.e. any change of venue name.

Changes other than those in the Standard Conditions

Once granted an approval cannot be varied other than for the items outlined in the Standard Conditions. Should you wish to change the approval to add or remove ceremony rooms then you would need to submit a variation application, along with the variation fee, for the grant of an approval. Once granted you would then surrender the previous approval.

EXPIRY AND RENEWAL OF APPROVAL

The renewal process is the same as the approval process but can commence when the current approval has **less than twelve months left to run**. An application for renewal made within this period, if necessary, will extend the approval until that application has been finally dealt with.

If an approval expires before a renewal application is made, an application can be made **within one month of expiry** for the approval to be reinstated. The reinstated approval will then continue until the application for renewal is dealt with. We would always recommend that the renewal application is submitted in advance of the expiry date to allow for the full administrative process to take place and ensure a continued provision of service to customers.

The Authority will issue a renewal reminder letter at least **6 months** prior to the expiry date of the approval and failing any response a second reminder will be issued **2 months** prior to expiry. We reserve the right to contact any couples with marriage or civil partnership ceremony bookings at your venue should your renewal application have not been submitted at this stage.

An approval can be extended or reinstated if an application for renewal is made within a month after expiry. If renewal is made more than a month after expiry, the full application procedure must be followed prior to any further approval being granted. **Any proceedings arranged at the venue within that time must be postponed or moved to another venue after fresh notices have been given.**

BREACH OF CONDITION

Any breach of condition is taken seriously and will be dealt with appropriately.

REVOCATION

An authority may revoke an approval if the holder has failed to comply with one or more conditions of the approval, or the use of structure of the premises has changed and the premises are no longer suitable for any proceedings. On deciding to revoke the approval, the Authority must deliver a notice in writing to the holder of the approval confirming its revocation.

The Registrar General for England and Wales may direct the authority to revoke an approval if she considers that there have been breaches of law relating to the proceedings on the approved premises. Before doing so the Registrar General must write to the holder of the approval, stating the grounds on which she proposes that the approval should be revoked and providing the holder with a period of at least 14 days to make representations to her in writing. If, following consideration of any representations received, the Registrar General decides that the approval should be revoked she will direct the authority (in writing) to do so. The authority must then revoke the approval with immediate effect and notify the holder of the approval that it has done so.

When an approval has been revoked, the holder of the approval must immediately notify any couples who have arranged proceedings on those premises that this is the case. The Superintendent Registrar will also notify the couple that the approval has been revoked and advise them that the certificates or schedule for the proceedings are no longer valid.

REVIEWS

An applicant can seek a review of a decision made by an authority to refuse an application or a renewal, to revoke an approval (other than when directed by the Registrar General as described above) or to attach conditions other than the standard conditions. The application for review should be delivered to the Proper Officer of the Authority. They will arrange a meeting to consider the review, which the applicant(s) will be invited to attend.

On determining whether to uphold the original decision, vary the decision or substitute a different decision the authority must provide notice in writing to the applicant or holder, stating its decision, the reasons for it and, if different to the original decision, the date on which it takes effect.

PUBLIC REGISTER

The Authority maintains an up-to-date register of the approved premises in its area. The register includes:

- the name and full postal address of the approved premises.
- the description of the room or rooms in which the proceedings are to take place.
- the name and address of the holder of the approval.
- the date of the granting and due date of expiry of the approval.
- if the approval is renewed, the date of renewal.
- if the approval is revoked, the date on which the revocation takes effect.
- the name, address and qualification of the responsible person.

It also indicates which of the premises (if any) are religious premises approved for civil partnerships.

The register is available on the Council's webpages.

You are not authorised to hold civil marriages and civil partnerships until an approval has been signed, dated and is in your possession.

APPROVAL HOLDER RESPONSIBILITIES

Below is a summarised list of responsibilities required of all approval holders along with the requirement to adhere to all conditions attached to the approval.

- The ceremony room will be clean and tidy, as befits the occasion
- The Registrar will require a chair and a table large enough to accommodate the marriage register and certificates as well as any floral arrangement that the couple have requested
- Burning candles or vases containing water will not be placed on the table provided for the Registrar
- Parking facilities will be made available for one vehicle (with permits if applicable)
- The responsible person shall ensure that guests are ushered into the ceremony room at least 10 minutes prior to the start of the ceremony
- The responsible person shall arrange for the Registrar to see the bride(s) or groom(s) or civil partners before the ceremony, allowing enough time for a prompt commencement to proceedings
- The responsible person shall provide guidance to the party (if entering separately) before entering the ceremony room and work together with the Registrars to ensure the ceremony runs smoothly
- When the couple have chosen to have recorded music played during the proceedings, the Responsible Person shall ensure that someone is appointed to control the music system during the proceedings

REGISTRATION SERVICE RESPONSIBILITIES

Below is a summarised list of our commitment to you.

- Calderdale Registration Service is committed to improving service delivery and increasing customer satisfaction by ensuring that the Service reflects the needs of its customers. To do this, it is important to seek the views and experiences of all those to whom the service is connected, including staff, stakeholders, customers and the public. In line with the Team Plan and the Service Improvement Plan, the Registration Service will consult with all approval holders at the start of any new development relating to Service / Operational matters which may affect them. Any consultation will contain a clear statement describing why it is being carried out and how the results will be used.
- We will do our best to be as flexible and accommodating as we can when couples are booking a Registrar to attend your venue.
- Registration staff will aim to arrive at the venue at least 15 minutes prior to the ceremony
- In the unlikely event that they are running late, they will inform you of an expected time of arrival.
- Registration staff will be courteous, considerate and of smart appearance, befitting of the occasion

Should we fail to meet our commitments please contact the Superintendent Registrar on 01422 288080.

REGULATION SUMMARY

- Marriage Act 1949
- Civil Partnership Act 2004
- The Marriages and Civil Partnerships (Approved Premises) Regulations 2005
- The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011
- The Marriages and civil Partnerships (Approved Premises) (Amendment) Regulations 2013
- The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2021
- The Registration of Marriages Regulations 2021
- The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2022
- The Civil Partnership (Opposite-sex Couples) Regulations 2019
- Equality Act 2010

THE REQUIREMENTS FOR OBTAINING APPROVAL AS OUTLINED BY THE ABOVE REGULATIONS

The premises / place to be approved must fulfil the following standard requirements as 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

- (a) the solemnization of marriages.
- or
- (b) the formation of civil partnerships.

This requirement will preclude a private house from being approved.

3. The premises must have the benefit of such fire precautions as may reasonably be required by the Authority, having consulted with the Fire & 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 s6 (2) of the 2004 Act.
- (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.

In considering the suitability of premises as a venue, the authority will have due 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, similar premises (and, in respect of civil partnerships, religious premises) without compromising the solemnity of the occasion.
2. The 2005 regulations (as amended) define “premises” as “built premises” together with “linked outdoor areas”.
3. “Built premises” are defined as a permanently immovable structure comprising at least a room or any boat or other vessel which is permanently moored.
4. “Linked outdoor areas” are now defined as “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”.
5. 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.
6. Proceedings on built premises must take place in a room, or rooms, within the built premises which are 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.
7. The Approval Holder must also comply with the Standard Conditions attached to any approval issued. A copy is attached to this guidance for information.

STANDARD CONDITIONS TO BE ATTACHED TO GRANTS OF APPROVAL OF PREMISES THAT ARE NOT RELIGIOUS PREMISES

The authority must attach the following standard conditions from Schedule 2 to the Regulations to any 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 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 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 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.** 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 Superintendent Registrar of the district, or the registration authority, of the area in which the approved premises are situated.

11. Any proceedings conducted on approved premises shall not be religious in nature. 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 another 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.

There may be further conditions imposed by the Council in respect of individual premises where it is considered appropriate.

**LOCAL CONDITIONS TO BE ATTACHED TO GRANTS OF APPROVAL OF PREMISES
THAT ARE NOT RELIGIOUS PREMISES**

1. The premises must be wheelchair accessible.
2. Either the approval holder or responsible person must provide the information contained in Appendix E or Appendix F attached to the approval to the couple when a marriage or civil partnership booking is made.
3. The use of candles and vases containing water are not permitted on the table provided for the registrar, for the safety and protection of legal documentation.
4. It is at the discretion of the Registration Staff in attendance to decide that the ceremony must be moved into a ceremony room inside the venue in cases of inclement weather. The decision of the Registration staff is final.

Inclement weather is defined as rain (or the high likelihood of showers), wind, cold conditions (under 16 degrees), extremely hot and sunny and any other extreme conditions. This condition includes the effects of any inclement weather on both the couple and their guests.

An approved ceremony room must be available and set up should the decision be to move the ceremony inside and the room must be able to accommodate the number of guests in attendance.