



MERTON REGISTRATION SERVICE

Approved Venue Applications and Renewal Procedure

For

Marriage Ceremonies and Civil Partnerships

These notes have been produced to assist you before making an application for your premises to be approved. However, should you need further clarification, please contact Tomas Dyson, Superintendent Registrar via email on tomas.dyson@merton.gov.uk



**THE REGISTRAR GENERAL'S GUIDANCE TO AUTHORITIES
FOR THE APPROVAL OF PREMISES AS VENUES FOR MARRIAGES
UNDER SECTION 26(1)(bb) OF THE MARRIAGE ACT 1949
AND CIVIL PARTNERSHIPS
UNDER SECTION 6 (3A)(a) OF THE CIVIL PARTNERSHIP ACT 2004.**

This guidance is issued by the Registrar General under section 46A(k) of the Marriage Act 1949, section 6A(k) of the Civil Partnership Act 2004 and Regulation 11 of the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168) and supplements the provision made by those Regulations.

These regulations refer to “proceedings”, defining these as the solemnization of marriages or the formation of civil partnerships. It also refers to registration authorities and local authorities as “authorities”.

Introduction

From late 2016 Merton Council is offering venues the opportunity to apply for an introductory licence for marriages and civil partnerships, to encourage more venues to licence in the borough.

The introductory licence will be available to venues licencing for marriage and civil partnership for the first time and will be valid for 3 years. After that time the renewal fee will be £500 for a licence lasting five years.

Should a venue wish to apply for a licence lasting 5 year and not take advantage of the introductory licence a fee of £500 is payable.

Any fee for this must be submitted with the completed application form and cheque made payable to “London Borough of Merton”, to Merton Register Office, Morden Park House, Morden Park, SM4 5QU.

The application must be made by the proprietor or trustee of the premises. When made on behalf of a limited company there should be a statement of the names and addresses of all the directors.

The Premises

The Premises must fulfil the following standard requirements in Schedule I of the regulations:

1. The laws relating to “approved premises” are intended to allow proceedings to take place 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 immovable 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, a tent, marquee or any other temporary structure and most forms of transport, would not be eligible for approval. In addition, there are requirements in Schedule1 that must be met before an approval can be granted.

3. 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, which must take place in an identifiable and distinct part of those premises.
4. The premises must have fire precautions that satisfy the requirements of the authority, having consulted with the fire / fire and rescue authority and the health and safety authority for persons employed in or visiting the premises. The authority will also want to be content that no planning permission is necessary for the use of the venue for Marriages and Civil Partnerships.
5. The licenced room(s) must be regularly available to the public for use for the solemnisation of marriage or the registration (formation) of Civil Partnerships irrespective of whether or not the couple wish to hold their reception at the premises.
6. The requirement that the premises must be regularly available for use by the public will preclude a private house from being approved.
7. The premises must not be religious premises as defined by section 6(2) of the Civil Partnership Act 2004. These are premises which are or have been used solely or mainly for religious purposes and have not been subsequently used solely or mainly 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.

Further requirements set by London Borough of Merton:

8. Under the terms of the Equality Act (Sexual Orientation) Regulations 2007 (which came into effect on 30 April 2007) require providers of goods, facilities or services to ensure that they are not discriminating against a person who seeks to use those goods, facilities or services on the grounds of sexual orientation. The holder of an approval, who does not allow premises to be used for both, is liable to legal action. In common with other equality legislation, the parties involved would need to take action against the holder of the approval as the local authority has no powers to act or intervene, unless of course it is the holder of the approval.
9. The premises must be fully DDA compliant, to include where possible ramps, handrails, disabled parking and disabled toilet facilities. Where ceremony rooms are not on the ground floor suitable provision must be made to allow the registrar to be contacted should an objection wish to be raised, this could be by means of radio or video link or a responsible person being available and willing to raise an objection.
10. Two parking spaces should be reserved for the use of Registrars one hour prior to the ceremony.
11. A private room or area, preferably separate from the ceremony room, must be provided for the Registrars to perform the pre wedding interviews.

Application Process

12. A completed application form with a cheque for £600 is sent to Merton Registration Service with current copies of the premises Fire Risk Assessment,

Public Entertainment Licence and two copies of the plans, showing the rooms intended to be used for proceedings.

13. All rooms that might be used for proceedings, including those intended as a contingency, should be indicated clearly on the plans, and proceedings may only take place in those rooms once approval is granted. The use of an additional room (one that was not specified on the plan as being intended for proceedings) would need a fresh approval to be granted following the same application process. We would therefore recommend that where an “additional” room is wanted before the approval is due for renewal, the application for its approval applies to the whole premises, with the plan showing the “new” room and those already approved. The new approval, when granted, will then describe the premises by one name with one expiry date.

14. The authority places an advertisement on www.merton.gov.uk which meets the requirements of the Regulations, allowing an objection period of 3 weeks.

15. There are no restrictions on the address where applications and plans are made available for public inspection, although they should be available with policy advice on the attachment of local conditions and the review process. The attendance of people wishing to inspect the documents may be incompatible with the business of a register office.

16. The inspection of the premises may be carried out regardless of whether the advertisement has been published or the objection period has expired. Authorities may consider the views and experience of the local Superintendent Registrar to be helpful at the inspection, although this would be outside his or her registration duties.

Conditions of Approval

17. The responsible person or a deputy must be available on the premises before and during the proceedings to ensure that the arrangements comply with all the conditions attaching to the approval. The responsible person, or a deputy, must have sufficient authority to enforce these conditions and liaise with the Superintendent Registrar or Civil Partnership Registrar over any matters affecting the proceedings.

18. Both the governing Acts provide that no religious service is to be used at proceedings. It also provides that readings, songs or music that contains an incidental reference to a god or deity in an essentially non-religious context may be included in proceedings. When the Superintendent Registrar and Registrar or Civil Partnership Registrar have left the approved premises, any ceremony would be separate from the proceedings and not the province of the registration service.

19. In addition to the national conditions, authorities may, if they wish, attach further conditions to the approval for individual premises. The London Borough of Merton’s additional conditions are sent with every Certificate of Approval once the licence has been granted as well as appearing in this information pack (Annex A).

The Review Process

20. An applicant may seek a review by the 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. A direction by the Registrar General to revoke an approval is not subject to review by the authority.

21. The review must 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.

Grant of Approval

22. The grant of approval will run for three years from the date on which it is granted, unless it is revoked, extended (see paragraph 22) or reinstated (see paragraph 24). Any change in the ownership of the premises will also change the holder of the approval. Any change to the details or name of the premises on the application must be notified to the authority.

23. Once your licence has been granted (Certificate of Approval), it should be displayed at all times, the Notification of Approval of Premises for Civil Marriage & Civil Partnerships should be available for inspection by a member of the public at any time. The Conditions of Approval must be complied with, and again, these conditions should be available for inspection by the public together with the plans submitted with the original application which show the rooms which are approved. Should any of the conditions attached to the approval not be complied with, authorities will arrange to meet the holder of the approval and explain to them the remedial steps required and confirm this advice in writing if asked to do so with a time scale of when the condition must be met by.

Renewal and Reinstatement of Licence

24. The renewal process is the same as the approval process but can be commenced when the current approval has less than twelve months to run. An application for renewal made within this period will if, necessary, extend the approval until that application has been finally dealt with. A renewal should be expressed to take effect from the date on which the current approval expires.

25. Should an approval expire because the holder of that approval has failed to apply for a renewal, the approval will be reinstated by an application for renewal that is made within one month of the original expiry date. The reinstated approval will then continue until such time as the application for renewal is finally dealt with.

Revocation

26. The authority may revoke an approval if it is satisfied, after considering any representations, 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.

27. The Registrar General may direct the authority to revoke an approval if, in their opinion and after considering and representations from the holder, there



have been breaches of the law relating to marriages or civil partnerships on the premises. This is not subject to review by the authority.

28. When an approval has been revoked, the Regulations lay the onus on the former holder to notify any couples who had arranged proceedings on those premises.

Additional Information

29. It is essential that the local Superintendent Registrar, Civil Partnership Registrars and the Registrar General are notified without delay of changes to the register of approved premises.

30. Details of the approved premises will be held for public inspection by the authority, copied and sent to the Registrar General.

Annex A

The Conditions attached to the Grant of Approval

Proceedings mean the solemnisation of a marriage or the registration of a civil partnership and do 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 (their "qualification"), indicate that they are in a position to ensure compliance with these conditions.
2. The responsible person or, in their absence, an appropriately qualified deputy appointed by them, shall be available on the premises for a minimum of one hour prior to and throughout each of the proceedings.
3. Any change to the Responsible Person or Nominated Deputy, must be notified in writing to Merton Registration Service within seven days of the change.
4. The holder of an approval must notify the authority of their name and address immediately upon becoming the holder of an approval under regulation 7(2).
5. 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 or deputies.
6. 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.
7. The approved premises must be made available at all reasonable times for inspection by the authority.
8. A suitable notice stating that the premises have been approved for the proceedings should be displayed. There should be a sign at each public entrance giving directions to the room in which the proceedings are to take place, for one hour prior to and throughout the proceedings.
9. 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 London Borough of Merton 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.

10. Two parking spaces should be reserved for the use of Registrars one hour prior to the ceremony.
11. No food or drink may be sold or consumed in the room in which proceedings take place for one hour prior to and during the proceedings.
12. A private room or area, preferably separate from the ceremony room, must be provided for the Registrars to perform the pre wedding interviews.
13. 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.
14. 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.
15. It is a requirement that a music system is provided for all marriage rooms and for larger rooms a PA system will also be required.
16. 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, as the case may be, in which the approved premises are situated.
17. The proceedings conducted at approved premises shall not:
 - (a) Be religious in nature.
 - (b) Include extracts from an authorised religious marriage service or from sacred religious texts;
 - (c) Be led by a minister of religion or other religious leader;
 - (d) Involve a religious ritual or series of rituals;
 - (e) Include hymns or other religious chants;
 - (f) Include any form of worship.
 - (g) But the proceedings may include readings, songs or music that contains an incidental reference to a god or deity in an essentially non-religious context.
 - (h) 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.
18. Public access to any proceedings in approved premises must be permitted without charge.

- 19.** The Approval is without prejudice to the need for any planning consents to be sought and obtained from the local planning authority.
- 20.** The maximum numbers for each room is the proprietor's responsibility, based on the numbers listed in your fire risk assessment.



Annex B

APPLICATION FORM

APPLICATION FOR A 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.

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. Please state the type of licence application you wish to make:

- Renewal of an existing licence, a fee of £500 is payable the licence will be valid for 5 years
Merton introductory licence, no fee is payable the licence will be valid for only 3 years
Application for a new five year licence, a fee of £500 is payable the licence will be valid for 5 years

2. Full names and private address of applicant. If the application is made by a Limited Company, please give the address of the registered office.

Form box for question 2 with dotted lines for address and fields for Tel, Fax, E-mail address, and Website address.

3. Is the person or Company named above the occupier of the premises? YES / NO
If No please give names and address of occupiers.

Form box for question 3 with dotted lines for address and fields for Tel, Fax, E-mail, and Website Address.



3. Name, postal address and telephone number of the premises which is the subject of this application.

.....

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Tel: Fax:

E-mail..... Website Address.....

4. Accommodation and the regular primary uses.

Nature of Premises:

Primary Use:

Other uses:.....

5. Please state the name and maximum number of people permitted to occupy each room(s) in which ceremonies are intended to be held, under your fire risk assessment:

Room name	Maximum numbers

6. Please state the number of ceremonies you anticipate being held at your venue each year:

7. Please give the date of the first ceremony, if possible:

* * *



Please make sure you can comply with the following information and attach all requested documents:

- Please send the completed application form to Merton Registration Service, Morden Park House, Morden Park, SM4 5QU together with the appropriate fee, cheques made payable to “London Borough of Merton”
- **A current copy of your fire risk assessment, any current public entertainment licence and any other type of licence.**
- **Two** copies of the plans clearly showing the room(s), with all their dimensions, in which it is intended that marriages or civil partnerships will take place.
- I can confirm that any additional planning consent required, has been obtained from the planning authorities and evidence has been enclosed.

Yes / No / Not Applicable

- I understand that:
 - a) All new premises will be inspected for suitability before approval is granted and if this application is successful, may be subject to subsequent inspection as well as venues renewing their licence.
 - b) Public notice of the application will be given by advertisement in a newspaper with a period of three weeks for objections.
 - c) Approval, if granted, will be for a three year period, subject to revocation.
 - d) The premises must satisfy the local authority on fire precautions, health and safety provisions and planning authorities.
- I declare that:
 - a) The premises is not a religious building.
 - b) The premises will be regularly available for public use for either the solemnization of marriages or the registration of civil partnerships.
 - c) I will comply with the standard conditions and any local conditions attached.

I am applying for the named premises to be approved for the solemnization of marriages and the registration of civil partnerships. I have read and understood The London Borough of Merton’s requirements accompanying with this application form.

Signature of applicant

Print Name.....

Position Held.....

Date.....

