

Notes on the requirements before an approval can be granted to a premises as a venue for Marriages / Civil Partnerships



There is a fee payable in respect of applications for approval. This is non-returnable and must be submitted with the application and sent to address below. Details of the current fee will be provided with the application or can be confirmed by ringing (01942) 404627.

Trading Standards & Licensing Section,
Town Hall,
Library Street,
Wigan,
WN1 1YN

Email: licensing@wigan.gov.uk

(An additional fee will be payable to the Local Authority if a review is requested. This fee will be determined at the time of the request).

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 separate statement of the names and addresses of all the directors.

The legislation states that a public notice of an application needs to be advertised. The notice can be published in a newspaper which is in general circulation (at intervals of not more than one week in the area in which the premises are situated) **or** on the Local Authority's website. We will therefore place details of all applications on our website, removing the onus (& cost) for applicants to advertise in the local press.

The premises must fulfil the following standard requirements 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 solemnisation 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 & 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 have 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 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: -

1. Reasonable provision shall be made for disabled people to gain access to the room(s) in which the marriages will take place. (For advice in this matter applicants should contact the Council's Assistant Chief Building Surveyor on (01942) 404279 or Chief Building Surveyor on (01942) 404278).
2. All premises to be used for marriages shall be provided with such satisfactory means of escape as the Chief Fire Officer and the Council's Planning & Regeneration Officer consider necessary.

In considering the suitability of premises as a venue the local 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 occasional.
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 Schedule 1 that must be met before an approval can be granted.
3. The premises must be 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 partnership or both 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.