

**EXPLANATORY MEMORANDUM TO**  
**THE MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES)**  
**REGULATIONS 2005**

**2005 No. 3168**

1. This explanatory memorandum has been prepared by the Office for National Statistics and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 enable premises approved by local authorities, such as hotels and stately homes, to be used for the solemnisation of civil marriages and the formation of civil partnerships from 5 December 2005.

- 2.2 The Regulations also revise the provisions in respect of the religious content of civil marriage ceremonies and civil partnership formations on approved premises following a consultation undertaken by the Registrar General.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 Paragraph 11 of Schedule 2 to the now revoked Marriages (Approved Premises) Regulations 1995 provided that the content of civil marriage ceremonies held on approved premises must be “secular” in nature. Following a representation to the Chancellor of the Exchequer that this was too restrictive, and on occasion was being harshly interpreted, the Registrar General commissioned an internal review. Acting on the recommendations from this review, the Registrar General issued a consultation paper in June 2005 on whether the position should be relaxed to allow the use of readings, songs and music that contain an incidental reference to a god or deity in an essentially non-religious context. Although the consultation was primarily concerned with civil marriages, it made it clear that the outcome would also apply to civil partnerships.

- 3.2 The public consultation, which ended on 7 October 2005, attracted responses from registration officers, religious bodies as well as members of the public. The majority of these were in favour of maintaining the current distinction between religious and civil marriages but allowing an “incidental” reference to a god or deity to occur during a civil marriage ceremony, as long as the context was essentially non-religious. The new provisions in paragraph 11 of Schedule 2 to the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 seek to achieve this. It is intended to publish a report on the

consultation exercise to coincide with the laying of these regulations. There has been some media interest in this topic during the period of the consultation exercise.

#### **4. Legislative Background**

4.1 The Civil Partnership Act 2004 will be implemented on 5 December 2005. Section 6(3A) of the Act provides for the registration of civil partnerships to take place in approved premises. This mirrors the provision for marriages in section 26(1)(bb) of the Marriage Act 1949.

4.2 Section 6A of the Civil Partnership Act 2004 and section 46A of the Marriage Act 1994 make the same provision for the matters that are dealt with by these regulations. Together they provide for a joint process and unified system for the approval of premises for civil partnerships and marriages. Transitional provisions in the Regulations deem those premises approved for civil marriages before 5 December 2005 to be also approved for civil partnerships from that date. From 5 December 2005, there will be one application for the approval of premises and one decision will be made which will entitle the applicant to use the premises for either the solemnisation of civil marriages or the formation of civil partnerships or both. However, the requirement in Schedule 1 is that the premises must be regularly available for one or the other.

#### **5. Extent**

5.1 This instrument applies to England and Wales

#### **6. European Convention on Human Rights**

No statement is required.

#### **7. Policy background**

7.1 These regulations primarily aim to carry out one of the intentions of the Civil Partnership Act 2004 in extending to same sex couples the opportunity to form their civil partnerships at “approved premises” in line with the provisions for the solemnisation of marriages. It is likely that a significant proportion of those forming civil partnerships will wish to do so at one of these premises.

#### **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

8.2 The impact on the public sector is minimal.

#### **9. Contact**

9.1 Selwyn Hughes at the Office for National Statistics Tel: 0151 471 4452 or e-mail: [selwyn.hughes@ons.gsi.gov.uk](mailto:selwyn.hughes@ons.gsi.gov.uk) can answer any queries regarding the instrument.