
STATUTORY INSTRUMENTS

2011 No. 2661

The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011

Amendments to the 2005 Regulations

- 2.—(1) The 2005 Regulations are amended as follows.
- (2) Amend regulation 2 (interpretation) as follows—
- (a) in paragraph (1)—
- (i) after the entry for “the 1949 Act” insert—
- “the 1969 Act” means the Sharing of Church Buildings Act 1969(1);”;
- (ii) in the entry for “approval” after “means” insert “, subject to paragraph (1A),”;
- (iii) in the entry for “qualification” after “Schedule 2” insert “or paragraph 1 of Schedule 2A (as the case may be)”;
- (iv) after the entry for “qualification” omit “and” and insert—
- “required consent” means a consent given in accordance with regulation 2D and includes, unless the context otherwise requires, the signed statement that consent is not required;
- “religious premises” means premises that are religious premises within the meaning of section 6A(3C) of the 2004 Act(2);”;
- (v) in the entry for “responsible person” after “Schedule 2” insert “or paragraph 1 of Schedule 2A (as the case may be)”;
- (vi) after the entry for “responsible person” insert—
- “; “sharing agreement” means an agreement between two or more Churches (“the sharing Churches”) to share church buildings under the 1969 Act; and
- “shared building” means religious premises used within the meaning of section 6(4) of the 1969 Act and a reference in these Regulations to a shared building being used is a reference to it being used within the meaning of that section of that Act”;
- (b) after paragraph (1) insert—
- “(1A) Where an application for approval is made in respect of religious premises “approval” and “approved premises” mean approval of premises as a place at which two people may register as civil partners of each other in pursuance of section 6(3A)(a)(3) of the 2004 Act.
- (1B) A reference in these Regulations to a church or chapel of the Church of England or the Church in Wales includes—

(1) 1969 c. 38; amendments made to this Act are not relevant to these Regulations.

(2) Section 202(2) of the Equality Act 2010 (c. 15) omitted the definition of religious premises in section 6(2). The definition, which is in the same terms, is now contained in section 6A(3C) as inserted by section 202(4) of the Equality Act.

(3) 2004 (c. 33); subsections (3), (3A) and (3B) were substituted for subsection (3) as originally enacted by article 3 of, and paragraph 2 of the Schedule to, S.I. 2005/2000.

- (a) a church or chapel to which a sharing agreement relates (whether or not it is in the sole ownership of the Church of England or the Church in Wales (as the case may be));
 - (b) a church or chapel which is a shared building;
 - (c) a cathedral church.”.
- (3) After regulation 2 insert—

“Church of England: faculty jurisdiction

2A. In relation to a church or chapel of the Church of England, nothing in these Regulations is intended to oust the faculty jurisdiction.

Religious premises: no obligation to make an application for approval

2B. Nothing in these Regulations places an obligation on a proprietor or trustee of religious premises to make an application for approval of those premises as a place at which two people may register as civil partners of each other in pursuance of section 6(3A)(a) of the 2004 Act.

Kinds of premises: overview

2C.—(1) An application for approval of premises for the solemnization of marriages may only be made in respect of premises that are not religious premises.

(2) An application for approval of premises as a place at which two people may register as civil partners of each other in pursuance of section 6(3A)(a) of the 2004 Act may be made in respect of premises that are not religious premises or premises that are religious premises.

(3) An application for approval made in respect of premises that are not religious premises must be made in accordance with regulation 3.

(4) Subject to paragraph (5), an application for approval made in respect of religious premises must be made in accordance with regulation 3A.

(5) An application for approval made in respect of religious premises to which a sharing agreement relates or in respect of a shared building must be made in accordance with regulation 3B.

Required consents: religious premises

2D.—(1) This regulation makes provision for the consent that may be required to make an application for approval of religious premises.

(2) An application made in respect of religious premises of a description specified in the first column of the table in Schedule A1 (“the table”) may only be made with the consent in writing of the person specified, or a person of the description specified, in the corresponding second column.

(3) An application made in respect of religious premises not of a description specified in the table may only be made with the consent in writing of the governing authority of the religious organisation for whose religious purposes the premises are used.

(4) Except that consent is not required in respect of religious premises where—

- (a) the premises are of a description specified in the first column of the table and it is indicated in the corresponding third column that consent is not required;

- (b) the premises are not of a description specified in the table and the governing authority of the religious organisation for whose religious purposes the premises are used has determined that its consent is not required.
- (5) In the circumstances described in paragraph (4), the application must include a statement to the effect that consent is not required.
- (6) The statement mentioned in paragraph (5) must be followed by the words “*This statement is true to the best of my knowledge and belief*” and must be signed by the applicant.
- (7) In this regulation—
 - (a) a reference to “consent” is a reference to a consent which is general or specific; and
 - (b) a reference to the “governing authority” of a religious organisation is a reference to the person or persons recognised by the members of that organisation as competent for the purpose of giving consent under these Regulations.
- (8) In relation to premises which are—
 - (a) of more than one description specified in the table; or
 - (b) used for the religious purposes of more than one religious organisation (not being one mentioned in the table); or
 - (c) both of a description (or more than one description) specified in the table and used for the religious purposes of a religious organisation (or more than one religious organisation) (not being one mentioned in the table),the reference to consent is a reference to the consent of each applicable person specified in the table or the governing authority of each applicable religious organisation, or both.
- (9) Paragraph (8) does not apply to religious premises to which a sharing agreement relates or to shared buildings.”.
- (4) In regulation 3 (application procedure) in the heading, at the end insert “: premises that are not religious premises”.
- (5) After regulation 3 insert—

“Application procedure: religious premises

- 3A.—**(1) An application for approval may be made by a proprietor or trustee of religious premises.
- (2) The applicant must deliver to the proper officer of the authority—
 - (a) an application in writing, including the name and address of the applicant and such other information concerning the requirements set out in Schedule 1A as the authority may reasonably have required;
 - (b) a plan of the premises which clearly identifies the room or rooms in which the proceedings will take place if approval is granted;
 - (c) the required consent (or in the case of premises within the meaning of regulation 2D(8), each of the required consents); and
 - (d) if the authority so requires, a fee, or an amount on account of that fee, determined in accordance with regulation 12.
 - (3) The applicant must provide the authority with such additional information as it may reasonably require in order to determine the application.
 - (4) Subject to paragraph (5), as soon as practicable after receiving the application, the authority must arrange for the premises to be inspected.

(5) If the authority considers that it is not necessary for the premises to be inspected (because for example they are premises where marriages may be solemnized in accordance with the 1949 Act(4)), it may dispense with the requirement to do so.

Application procedure: shared church or other buildings

3B.—(1) This regulation applies where an application for approval is made in respect of religious premises to which a sharing agreement relates.

(2) This regulation also applies where an application for approval is made in respect of a shared building.

(3) Subject to paragraphs (4) and (5), an application under this regulation must comply with the requirements set out in regulation 3A.

(4) An application mentioned in paragraph (1) must include the required consent in respect of each of the sharing Churches.

(5) An application mentioned in paragraph (2) must include the required consent in respect of each of the Churches that uses the shared building.”.

(6) Amend regulation 4 (public consultation) as follows—

(a) for paragraph (1) substitute—

“(1) As soon as practicable after receiving an application the authority must—

(a) make the application, the plan accompanying it and, if applicable, the required consent, available to members of the public for inspection at all reasonable hours during the working day until such time as the application has been fully determined or withdrawn; and

(b) give public notice of the application in accordance with paragraphs (1A) and (2).

(1A) The notice must be published—

(a) in a newspaper (which may be a newspaper distributed free of charge) which is in general circulation at intervals of not more than one week in the area in which the premises are situated; or

(b) on the authority’s website (in which case it must include the date of publication),

and may also be published in such other ways as the authority considers necessary.”;

(b) in paragraph (2)—

(i) in sub-paragraph (b) for “the application and the plan accompanying it” substitute “the application, the plan accompanying it and, if applicable, the required consent”;

(ii) for sub-paragraph (c) substitute—

“(c) state that any person may give notice in writing of an objection to the grant of approval, with reasons for the objection, within 21 days from

(4) 1949 c. 76; parts 2 and 3 of this Act make provision for the solemnization of both religious and civil marriage. In particular, and in relation to religious marriage, sections 5 to 21 make provision for marriage according to the rites of the Church of England and the Church in Wales; section 41 for marriages in registered buildings; section 47 for marriages according to the usages of the Society of Friends; and by virtue of section 26 marriages may also be solemnized according to the usages of the Jews. Amendments have been made to part 2 but they are not relevant to these Regulations. Relevant amendments made to part 3 are as follows: section 41(1) (registration of buildings) was amended, and subsection (7) substituted, by section 1 of the Marriage (Registration of Buildings) Act 1990 (c. 33), subsection (2) was substituted by section 1 of the Marriage Acts Amendment Act 1958 (c. 29) (“1958 Act”), subsection (3A) was inserted by article 8 of the Registration of Marriages (Electronic Communications and Electronic Storage) Order 2009 (S.I. 2009/2821), the sum in subsection (6) was substituted by article 2 of, and the Schedule to, the Registration of Births, Deaths and Marriages (Fees) Order 1997 (S.I. 1997/2939) and confirmed by article 2 of, and the Schedule to, the Registration of Births, Deaths and Marriages (Fees) Order 2010 (S.I. 2010/441); section 42 (cancellation of registration) was amended by section 1 of the 1958 Act.

the date on which the notice is published in the newspaper or on the authority's website (as the case may be);”.

(7) Amend regulation 5 (grant or refusal of approval) as follows—

(a) in paragraph (1) after “approval” insert “of premises that are not religious premises”;

(b) after paragraph (1) insert—

“(1A) The authority may grant approval of religious premises only if it is satisfied that—

(a) the application has been made in accordance with these Regulations;

(b) the premises are religious premises of a type described in paragraph (1B);

(c) the premises fulfil the requirements set out in Schedule 1A;

(d) the premises fulfil any other reasonable requirements which the authority considers appropriate to ensure that the facilities provided at the premises are suitable.

(1B) Religious premises must be—

(a) a church or chapel of the Church of England;

(b) a church or chapel of the Church in Wales;

(c) a place of meeting for religious worship included in the list of certified places maintained by the Registrar General under section 7 of the Places of Worship Registration Act 1855⁽⁵⁾;

(d) a place of meeting for members of the Society of Friends; or

(e) a Jewish synagogue.

(1C) The reference in paragraph (1B)(c) to a place of meeting for religious worship included in the list of certified places maintained by the Registrar General includes—

(a) religious premises to which a sharing agreement relates and which are registered as a place of meeting for religious worship of any Church sharing the premises (other than the Church of England or the Church in Wales); and

(b) a shared building which is registered as a place of meeting for religious worship of any Church using the building (other than the Church of England or the Church in Wales).”;

(c) in paragraph (2) after “paragraph (1)” insert “or (1A) (as the case may be)”;

(d) in paragraph (4) after “Schedule 2” insert “or Schedule 2A (as the case may be)”;

(e) in paragraph (5) after “Schedule 2” insert “or Schedule 2A (as the case may be)”.

(8) Amend regulation 6 (conditions) as follows—

(a) in paragraph (1)(a) after “approval” insert “of premises that are not religious premises”;

(b) after paragraph (1)(a) insert—

“(aa) shall attach to the approval of religious premises the standard conditions contained in Schedule 2A;”;

(c) in paragraph (1)(b) after “the approval” insert “in sub-paragraph (a) or the approval in sub-paragraph (aa)”.

(9) Amend regulation 7 (expiry and renewal of approval) as follows—

(5) 1855 c. 81; section 7 was amended by section 1 of, and the Schedule to, the Statute Law Revision Act 1892 (c. 19); article 4 of, and Schedule 2 to, the Registration of Births, Deaths and Marriages (Fees) Order 1968 (S.I. 1968/1242); and articles 3 and 5 of the Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), which transferred the functions in section 7 from the Chancellor of the Exchequer to the Secretary of State.

- (a) for paragraph (1) substitute—
 - “(1) Subject to paragraphs (5) and (6) and to regulations 8 and 8A, an approval is to be valid for such period, being not less than three years, as the authority may determine.”;
- (b) after paragraph (2) insert—
 - “(2A) Without prejudice to the provisions of these Regulations as to the duration or revocation of an approval—
 - (a) where—
 - (i) religious premises to which a sharing agreement relates have been approved;
 - (ii) one of the sharing Churches withdraws from the sharing agreement; but
 - (iii) the religious premises continue to be used by the other sharing Church (or Churches); or
 - (b) where—
 - (i) a shared building has been approved;
 - (ii) one of the Churches that uses the shared building ceases to do so; but
 - (iii) the building continues to be used by the other Church (or Churches), the approval remains in force.”;
 - (c) in paragraph (4) after “3(2) to (4)” insert “, or 3A(2) to (5) (as the case may be),”.
- (10) Amend regulation 8 (revocation of approval) as follows—
 - (a) in paragraph (1) —
 - (i) after “this regulation” insert “and without prejudice to regulation 8A”;
 - (ii) in sub-paragraph (b)—
 - (aa) after “Schedule 1” insert “or Schedule 1A (as the case may be)”, and
 - (bb) after “regulation 5(1)(c)” insert “or 5(1A)(d) (as the case may be)”;
 - (b) in paragraph (3) before “The authority” insert “Subject to paragraph (3A),”; and
 - (c) after paragraph (3) insert—
 - “(3A) Where the authority proposes to revoke an approval of religious premises, it need not deliver a copy of the notice mentioned in paragraph (2) to the superintendent registrar for the district in which the premises are situated.”.
- (11) After regulation 8 insert—

“Revocation of approval: withdrawal of required consent

8A.—(1) An authority that has granted an approval of religious premises must revoke that approval if it is notified by the holder that—

- (a) a required consent in respect of the approved premises has been or will be withdrawn; or
- (b) in respect of premises that did not previously require it, consent is now or will be required.

(2) Where paragraph (1)(a) applies, the authority must immediately revoke the approval to take effect on the day following that on which it received the notification or on the day on which consent will be withdrawn, whichever is later.

(3) Subject to paragraphs (4) and (5), where paragraph (1)(b) applies, the authority must immediately revoke the approval to take effect on the day following that on which it received the notification or on the day from which consent will be required, whichever is later.

(4) The authority need not revoke the approval mentioned in paragraph (3) if the holder includes the required consent with his or her notification.

(5) The authority may cancel the revocation mentioned in paragraph (3) if, prior to it taking effect, the authority is provided with the required consent.

(6) Immediately after revoking an approval under paragraph (2) or (3) the authority must deliver a notice of revocation to the holder of the approval.

(7) The notice mentioned in paragraph (6) must—

(a) be in writing; and

(b) specify the date on which the revocation takes effect.

(8) If the authority cancels a revocation in accordance with paragraph (5) it must immediately deliver a notice of cancellation in writing to the holder of the approval.

(9) Upon receipt of the notice mentioned in paragraph (6) the holder of the approval must give notice of the revocation to all the parties who have made arrangements for the formation of their civil partnerships to take place on those premises on or after the day on which the revocation takes effect.

(10) Where an authority receives notification under paragraph (1) on a day that is not a working day it is to be taken to have been received for the purposes of this regulation on the next day that is a working day.

(11) In this regulation “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽⁶⁾ in England and Wales.

(12) This regulation applies to—

(a) religious premises to which a sharing agreement relates;

(b) shared buildings; and

(c) religious premises within the meaning of regulation 2D(8),

as if the reference to a required consent in paragraph (1) was to one or more of the required consents.”.

(12) Amend regulation 9 (reviews) as follows—

(a) in paragraph (1) after “Schedule 2” insert “or Schedule 2A (as the case may be)”;

(b) in paragraph (2)(b) after “Schedule 2” insert “or Schedule 2A (as the case may be)”;

(c) in paragraph (5) after “regulation 5(1)” insert “, (1A)”.

(13) Amend regulation 10 (registers of approved premises) as follows—

(a) after paragraph (1) insert—

“(1A) Where applicable, the register kept under paragraph (1) must also indicate that premises are religious premises approved for the formation of civil partnerships.”;

(b) in paragraph (3) before “Immediately” insert “Subject to paragraph (3A),”;

(c) after paragraph (3) insert—

“(3A) Where the approved premises are religious premises the proper officer need not deliver a copy of the entry or any amendment to the entry to the superintendent registrar for the district in which the premises are situated.”.

⁽⁶⁾ 1971 c. 80; amendments made to this Act are not relevant to these Regulations.

(14) Before Schedule 1 insert, as Schedule A1, the Schedule set out in Schedule 1 to these Regulations.

(15) Amend Schedule 1 as follows—

- (a) in the heading, after “approval” insert “of premises that are not religious premises”;
- (b) in paragraph 3 for “fire authority [or, in England, fire and rescue authority]” substitute “fire and rescue authority”;
- (c) in paragraph 4(a) omit “as defined by section 6(2) of the 2004 Act”.

(16) After Schedule 1 insert, as Schedule 1A, the Schedule set out in Schedule 2 to these Regulations.

(17) Amend Schedule 2 as follows—

- (a) in the heading, after “approval” insert “of premises that are not religious premises”;
- (b) for paragraph (7) substitute—

“7.—(1) Save as provided below, 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.

(2) Non-alcoholic drinks may be consumed prior to the proceedings.”.

(18) After Schedule 2 insert, as Schedule 2A, the Schedule set out in Schedule 3 to these Regulations.