

2014 No. 106

**REGISTRATION OF BIRTHS, DEATHS, MARRIAGES
ETC., ENGLAND AND WALES**

**The Marriage of Same Sex Couples (Registration of Buildings
and Appointment of Authorised Persons) Regulations 2014**

<i>Made</i> - - - -	<i>21st January 2014</i>
<i>Laid before Parliament</i>	<i>23rd January 2014</i>
<i>Coming into force</i> - -	<i>13th March 2014</i>

The Secretary of State, in exercise of the powers conferred by section 43D(1) and (2) of the Marriage Act 1949(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Marriage of Same Sex Couples (Registration of Buildings and Appointment of Authorised Persons) Regulations 2014 and come into force on 13th March 2014.

Interpretation

2. In these Regulations—

“the Act” means the Marriage Act 1949;

“applicant” means the proprietor or trustee of a building who makes an application for registration of the building under section 41(b) or 43A(c) of the Act, or for the cancellation of that registration under section 43C(d), as the context requires, and “application” is to be construed accordingly;

“registered building” means a building registered for the solemnization of marriages of same sex couples under section 43A of the Act;

“relevant superintendent registrar” means the superintendent registrar of the registration district in which the building which is, or is to be, registered is situated.

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- (a) 1949 c. 76; section 43D was inserted by section 4(2) of, and paragraph 2 of Schedule 1 to, the Marriage (Same Sex Couples) Act 2013 (c. 30).
- (b) 1949 c. 76; section 41 was amended by section 1(1) of the Marriage (Registration of Buildings) Act 1990 (c. 33); section 1(1)(a) of the Marriage Acts Amendment Act 1958 (c. 29); and art.8 of S.I. 2009/2821. The fee under subsection (6) was most recently set by S.I. 2010/441. A new subsection (1A), making section 41(1) applicable to marriages between a man and a woman, was inserted by section 17(4) of, and paragraph 8 of Schedule 7 to, the Marriage (Same Sex Couples) Act 2013 (c. 30).
- (c) 1949 c. 76; section 43A was inserted by section 4(2) of, and paragraph 2 of Schedule 1 to, the Marriage (Same Sex Couples) Act 2013 (c. 30).
- (d) 1949 c. 76; section 43C was inserted by section 4(2) of, and paragraph 2 of Schedule 1 to, the Marriage (Same Sex Couples) Act 2013 (c. 30).

Shared Buildings

3.—(1) In respect of shared buildings, these regulations are subject to any additional requirements that may be applicable under sections 44A to 44C(a) of the Act and regulations under those sections.

(2) In this regulation and in regulation 4, “shared building” has the same meaning as in section 44D(1)(b) of the Act.

Application for registration of a building

4.—(1) This regulation applies to an application for registration of a building for the solemnization of marriages of same sex couples under section 43A of the Act.

(2) In addition to the matters mentioned in section 43A (as read with section 26A(3)(c) of the Act (opt-in to marriage of same sex couples: places of worship)), the applicant must—

- (a) make the application on a form supplied for that purpose by the Registrar General;
 - (b) provide on the application form—
 - (i) the name and address of the building to be registered;
 - (ii) subject to paragraph (4), the denomination of the religious organisation for whose purposes the building is used;
 - (iii) the name and address of the applicant; and
 - (iv) such other information as the Registrar General has indicated is necessary to register the building;
 - (c) sign the application form; and
 - (d) pay to the superintendent registrar—
 - (i) if the building is already registered under section 41 of the Act, a fee of £64.00; or
 - (ii) if the building is not already registered under section 41 of the Act, a fee of £120.00.
- (3) The certificate of use for religious worship mentioned in section 43A(3)(c) of the Act—
- (i) must be signed in duplicate by each of the householders giving the certificate; and
 - (ii) must be countersigned by the applicant.

(4) Where an application is made in respect of a shared building, the reference in paragraph (2)(b)(ii) to “the denomination of the religious organisation” is a reference to the denominations of each of the qualifying sharing churches.

(5) For the purposes of paragraph (4), “qualifying sharing churches” means the sharing churches (within the meaning of section 44D(1) of the Act), whose consent to marriages of same sex couples, or for the shared building to be used for the solemnization of marriages of same sex couples (as the case may be), is required under section 44A(5) or (6) of the Act, or by regulations made under section 44A(10) or 44C(1)(a) of the Act, before the building can be registered under section 43A of the Act.

Procedure on registration of a building

5.—(1) On receipt of an application made in accordance with regulation 4, the Registrar General must—

- (a) register the building in a book to be kept for that purpose in the General Register Office, or in an approved electronic form;

(a) 1949 c. 76; sections 44A–44C were inserted by section 4(2) of, and paragraph 3 of Schedule 1 to, the Marriage (Same Sex Couples) Act 2013 (c. 30).

(b) 1949 c. 76; section 44D was inserted by section 4(2) of, and paragraph 3 of Schedule 1 to, the Marriage (Same Sex Couples) Act 2013 (c. 30).

(c) 1949 c. 76; section 26A was inserted by section 4(1) of the Marriage (Same Sex Couples) Act 2013 (c. 30).

- (b) endorse on the application form the date of registration of the building; and
 - (c) return a copy of the endorsed application form to the relevant superintendent registrar.
- (2) On receipt of the copy of the endorsed application form sent in accordance with paragraph (1)(c), the superintendent registrar must—
- (a) enter the date of the registration of the building in a book to be provided for that purpose by the Registrar General;
 - (b) give a certificate of the registration signed by the superintendent registrar to the applicant; and
 - (c) if the building is not already registered under section 41 of the Act, give public notice of the registration of the building by advertisement in a newspaper circulating in the county in which the building is situated and in the London Gazette.

Buildings registered under section 43A: appointment of authorised persons

6.—(1) This regulation makes provision for the procedure to be followed in relation to the authorisation of a person under section 43B(1)(a) of the Act.

(2) In addition to the matters mentioned in section 43B(2) of the Act, the trustees or governing body of the registered building who are certifying the authorisation must—

- (a) within one working day of the person being authorised, send the certification mentioned in section 43B(2) on a form supplied for that purpose by the Registrar General (a “certification form”);
- (b) provide on the certification form—
 - (i) the name and address of the registered building in respect of which the person is authorised under section 43B(1) of the Act;
 - (ii) the denomination of the religious organisation, or organisations, for whose purposes the building is registered;
 - (iii) the name and address of each of the trustees or members of the governing body certifying the authorisation;
 - (iv) such other information as the Registrar General has indicated is necessary for the purposes of the certification and authorisation; and
- (c) each sign the certification form.

(3) The authorised person must sign the certification form to indicate their consent to being authorised under section 43B of the Act.

(4) For the purposes of 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 in England and Wales under the Banking and Financial Dealings Act 1971(b).

Cancellation of registration under section 43A of the Act

7.—(1) This regulation applies to an application to cancel the registration of a building under section 43C of the Act.

(2) The applicant must—

- (a) make the application to cancel the registration on a form supplied for that purpose by the Registrar General (a “cancellation form”);
- (b) provide on the cancellation form—
 - (i) the name and address of the registered building;

(a) 1949 c. 76; section 43B was inserted by section 4(2) of, and paragraph 2 of Schedule 1 to, the Marriage (Same Sex Couples) Act 2013 (c. 30).

(b) 1971 c. 80; section 1(1) and paragraph 1 of Schedule 1.

- (ii) the date on which the building was registered under section 43A(1) of the Act;
 - (iii) the name and address of the applicant;
 - (iv) such other information as the Registrar General has indicated is necessary to cancel the registration of the building; and
- (c) sign the cancellation form.

(3) The applicant must also sign a declaration, in the presence of the relevant superintendent registrar, that the registered building will no longer be used for marriages of same sex couples.

Procedure on cancellation of registration of a building

8.—(1) On receipt of an application made in accordance with regulation 7 (including the declaration made under paragraph (3) of that regulation), the Registrar General must—

- (a) annotate the book or approved electronic form mentioned in regulation 5(1)(a) to show that the registration has been cancelled; and
- (b) notify the relevant superintendent registrar of the cancellation.

(2) On receipt of a notification from the Registrar General under paragraph (1)(b), the superintendent registrar must—

- (a) annotate the book mentioned in regulation 5(2)(a) to show that the registration has been cancelled; and
- (b) give a certificate of cancellation signed by the superintendent registrar to the applicant.

Modification of section 41: building registered under section 43A of the Act

9. In the case of an application for registration under section 41(a) of the Act of a building that is already registered under section 43A(b), section 41 has effect as if—

- (a) for subsection (2) there were substituted—
 - “(2) An application under subsection (1) must be made on a form supplied for that purpose by the Registrar General, and must include—
 - (a) the name and address of the building to be registered;
 - (b) the date on which the building was registered under section 43A(1);
 - (c) the denomination of the religious organisation for whose purposes the registration is sought;
 - (d) the name, address and signature of the applicant; and
 - (e) such other information as the Registrar General has indicated is necessary to register the building.”
- (b) in subsection (3), for “both certificates” there were substituted “the application”;
- (c) in subsection (4)—
 - (i) for “both certificates” there were substituted “the application”;
 - (ii) for “one certificate” there were substituted “the original application”; and
 - (iii) for “the other certificate” there were substituted “an endorsed copy”;
- (d) in subsection (5)—

(a) 1949 c. 76; section 41 was amended by section 1(1) of the Marriage (Registration of Buildings) Act 1990 (c. 33); section 1(1)(a) of the Marriage Acts Amendment Act 1958 (c. 29); and art.8 of S.I. 2009/2821. The fee under subsection (6) was most recently set by S.I. 2010/441. A new subsection (1A), making section 41(1) applicable to marriages between a man and a woman, was inserted by section 17(4) of, and paragraph 8 of Schedule 7 to, the Marriage (Same Sex Couples) Act 2013 (c. 30).

(b) 1949 c. 76; section 43A was inserted by section 4(2) of, and paragraph 2 of Schedule 1 to, the Marriage (Same Sex Couples) Act 2013 (c. 30).

- (i) for “the certificate” (in the first place) there were substituted “the endorsed copy of the application”; and
- (ii) paragraph (c) (requirement to give public notice) were omitted; and
- (e) in subsection (6), for “£120.00” there were substituted “£64.00”.

Modification of procedure for joint applications under section 41 and section 43A

10.—(1) This regulation applies where a proprietor or trustee of a building makes an application for a building to be registered under section 41 and section 43A of the Act at the same time.

(2) The applicant must comply with the requirements of sections 41 and 43A of the Act, and with regulation 4, with the following modifications—

- (a) the applicant may submit one certificate of use for religious worship in order to comply with both sections 41(2) and 43A(3)(c), but that certificate must state that the twenty householders who give the certificate wish the building to be registered under both sections; and
- (b) the applicant must pay the fee under section 41(6)(a) of the Act, but neither of the fees under regulation 4(2)(d) apply.

Home Office
21st January 2014

Mark Harper
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the procedures for the registration of buildings for marriages of same sex couples, under section 43A of the Marriage Act 1949 (c. 76) (“the Act”), and the appointment of authorised persons who may register such marriages without the presence of a registrar, under section 43B of the Act. The Regulations also set out the procedure for the registration of buildings to be cancelled under section 43C of the Act. Additional requirements may be imposed, in relation to buildings that are shared by more than one religious organisation, by sections 44A-C of the Act and regulations made under those provisions.

Section 2(1) and (3) of the Marriage (Same Sex Couples) Act 2013 (c. 30) confirm that no person may be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to apply for the registration of a building under s43A (or to cancel that registration); to authorise a person; or to be authorised to be present at the solemnization of marriages of same sex couples.

Regulation 4 sets out how applications for registration of buildings are to be made, supplementing the requirements of section 43A of the Act. Regulation 4(2)(d)(i) and (ii) set out the fees for applications to register buildings. The fee at regulation 4(2)(d)(ii) mirrors that for an application under section 41 of the Act (registration of buildings for marriages between a man and a woman). A lesser fee applies (regulation 4(2)(d)(i)) if the building is already registered under section 41, because in that case the registration under section 43A does not need to be advertised (see regulation 5(2)(c)).

Regulation 5 explains the procedure to be followed by the Registrar General and superintendent registrar on registration of a building.

Regulation 6 (read with section 43B of the Act) makes provision for the appointment of authorised persons to be present at the solemnization of marriages of same sex couples, without the presence

(a) 1949 c. 76. The fee at section 41(6) was most recently set by article 2 of, and paragraph 1 of Schedule 1 to, S.I. 2010/441.

of a registrar, in a building registered under section 43A of the Act. The *duties* of authorised persons and the procedures to be followed when a person ceases to be authorised (which apply whether those persons are authorised for marriages between a man and a woman, or for marriages of same sex couples), are set out in the Marriage (Authorised Persons) Regulations 1952 (S.I. 1952/1869).

Regulation 7 sets out the procedure to be followed on an application for cancellation of the registration of a building, and should be read with section 43C of the Act.

Regulation 8 explains the procedure to be followed by the Registrar General and superintendent registrar when the registration of a building is cancelled.

Regulation 9 modifies the application of section 41 of the Act if an application is made under that section to register a building that is already registered for the marriage of same sex couples under section 43A. The requirement under section 41(2) for the applicant to submit a certificate, signed by 20 householders, stating that the building is being used by them as their usual place of public religious worship and that they desire the building to be registered (a “certificate of use for religious worship”), does not apply because such a certificate will already have been supplied with the application for registration under section 43A. (Equivalent provision is made at section 43A(3)(c) of the Act, for an application under section 43A in respect of a building already registered under section 41). Regulation 9(4)(b) disapplies section 41(5)(c) of the Act (requirement to give public notice of the registration) because the registration under section 43A will already have been publicised (see regulation 5(2)(c)). Regulation 9(5) reduces the usual fee for an application under section 41, to reflect the fact that no publication costs will be incurred.

Regulation 10 modifies the procedure to be followed where a proprietor or trustee makes an application for registration of a building under sections 41 and 43A at the same time. In that case, the applicant need submit only one certificate of use for religious worship, and pay only the fee for registration of a building under section 41(6).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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