



Derry City Council

Marriage (NI) Order 2003
Marriage (NI) Regulations 2003

Guidance to the Requirements and Conditions of Approved Premises for Civil Marriages

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This document is also available on request in Braille, Audio Tape, Large Print or Computer Disk or as a PDF document or in alternative languages



Derry City Council

Introduction

This guidance is issued with reference to the Marriage (NI) Order 2003 and the Marriage (NI) Regulations 2003 (available on www.groni.gov.uk)

This legislation allows for an Approval to be granted by the Local Authority (in this case Derry City Council) for civil marriages to be solemnised at suitable premises/locations.

The Order allows two types of Approval to be granted: -

- (a) a **Place Approval** – valid for 3 years – covering all civil ceremonies at the designated premises.
- (b) a **Temporary Approval** – valid for one event only on a specified date at the designated place.

Derry City Council invites applications from those seeking an Approval or Temporary Approval of premises for the solemnisation of a civil marriage.

Part 1

Requirements for Premises

Who can apply for Approval?

- **3 year Place Approval** – the Proprietor or a Trustee of suitable premises used as a civil marriage venue may make applications.
- **Temporary Approval** – applications must be made either of the parties to an intended civil marriage.
- Approval shall not be granted where the Council is of the opinion that the applicant(s) is/are not a fit and proper person(s).

Which Premises/Locations can be approved?

Any premises/place or location, which meets the requirements of the Council.

The following conditions will determine suitability: -

- The premises/location must provide an appropriate and dignified setting for the celebration of marriage.
- Civil marriages must be solemnised at identifiable places within the Registration District.
- Health and Safety and Fire Regulations must be satisfied.
- Public Liability Insurance must be provided.
- The premises must have no recent or continuing religious connection.
- The safety of Registrar and his staff and their legal documents will be a consideration as to the suitability of the premises.

Additional Information

- There is no limit to the number of rooms, which can be approved for marriages. The Council would expect the number of rooms to be kept to a minimum to avoid confusion. Please note each application fee covers the rooms contained in one building.
- Marriages must take place only in a room/location, which is approved.
- A separate room must also be available for the confidential interviewing of the parties.
- Where approval is sought for outdoor locations – appropriate shelter must be provided in case of inclement weather. If the alternative is a separate location (i.e. hotel where reception is to be held) approval for this location must also be obtained.

Part 2

Issuing an Approval

How to apply

Application forms can be obtained from the City Inspector Derry City Council, Council Offices, 98 Strand Road, Derry, BT48 7NN or Telephone 02871 365151 – Fax. 02871 268 536 or email charlie.morrison@derrycity.gov.uk

Application

The Proprietor of the premises, his/her Trustees or in the case of Temporary Approval, the Bride or Groom must sign the completed form.

Applications must be made not less than 3 months or not more than 6 months from the date Approval is required.

The Marriage (NI) Order 2003 requires that Public Notice be given of an application. The Council requires that the notice be displayed by the applicant, in a prominent place on/at the premises/place for 21 days.

Objections

Any person may give notice in writing to the Council of an objection to an application for the granting of an approval in accordance with the Regulations. The Council shall consider the objection providing that the objection: -

- specifies the name and address of the person making it.
- specifies the reason for the objection.
- was made in the District Council area within 21 days from the date on which public notice was given.

The Marriage (NI) Order 2003 also allows for District Councils to consider the objection to which the above applies received outside the notice period.

The Council shall send a copy of any objection submitted in accordance with the Regulations to the applicant.

Decision Making

All applications will be acknowledged within 10 days of receipt. Approvals will be issued within 3 months of application providing all requirements have been met. Refusal will be issued within 3 months.

Appeals

See Appendix D

Inspection

The Registrar and the City Inspector, the Police Service and the Fire Brigade will inspect the premises. Further inspections may be carried out should a 3 year Period Approval be granted. Temporary Approvals will be granted on condition that the “marriage venue” remains the same as at inspection.

Validity

A Place Approval will be valid for 3 years from the date of issue – updated copies of any certificates, which may expire during the time, must be submitted to the City Inspector.

A Temporary Approval will be valid only for the date and place as stated on the approval – any requests for changes can be made to the City Inspector/Registrar but this may require re-application and incur charges.

Renewal

The approval holder may apply for a renewal of the Place Approval. A renewal will run from the expiry date of the current Place Approval. Application should be submitted not less than 6 months and not more than 12 months before the current Approval expires. A further application fee is payable for inspection of the premises and the issue of a renewed Approval.

Temporary Approvals cannot be renewed – even if a civil marriage has previously taken place at that location – each civil marriage will require separate temporary approval.

Expired Approval

Civil marriages cannot take place in premises or locations where approval has expired, unless a renewal of application has been applied for and has not been finally determined before the previous application expires. In such cases the approval shall continue in effect until such time as the application is finally determined or withdrawn.

Refusal or Non-Renewal of Approval

Where an application or renewal is refused the applicant will be notified in writing and the reason refusal given.

Revocation and Suspension

The Council has the right to revoke or suspend an Approval at any time (see Appendix D)

Before revoking the approval the Council will:

- give notice in writing the reasons why it is proposed to revoke the Approval.
- Give the holder an opportunity to answer and rectify any breaches of requirements.
- if the Approval holder is still unable to meet these requirements the Council will notify the Approval Holder in writing of the date the approval will be revoked from. It will be the responsibility of the Approval holder to notify all parties that marriages cannot take place on the premises or at the location concerned
- fees are not refundable.

Surrendering Approval

The holder of a 3 year Place Approval or Temporary Approval may surrender the approval at any time. The Council will revoke the approval as soon as it is practicable.

Variation

Subject to providing Notice to the Approval Holder the Council may at any time vary the conditions attached to any Approval on any grounds it thinks fit.

Register of Approved Premises

A Register of all premises holding 3 year Place Approvals will be kept by the Council and notified to the Registrar. The Register will contain: -

- name, description and full postal address (if any)
- name and address of approval holder
- description and location of approval room(s)
- date approval granted
- date approval expires
- date the renewal of approval is granted
- date approval is revoked
- name and address of responsible person (present at time of marriage)

This register will be available for public inspection during office hours.

Part 3

Approval Holder's Responsibility

The Approval Holder must: -

- (a) appoint a "Responsible Person" who will be named on all applications. The Responsible Person will have sufficient authority to guarantee that all requirements and conditions are fulfilled and all arrangements are in place to ensure the solemnity and dignity of the occasion. A Deputy may be appointed providing they have been named at the time of application. The Approval Holder may appoint himself or herself as a responsible person.
- (b) ensure that all information held by the Council is current and complete i.e. changes to names or telephone numbers of Responsible Person(s) or his or her deputy.
- (c) ensure the Responsible Person is aware of the responsibilities and requirements for co-ordinating marriages. The Responsible Person must be present at least 1 hour before each ceremony and throughout the ceremony.
- (d) ensure compliance with any limitations imposed by Health and Safety and Fire Safety Regulations in respect of the number of guests allowed in the approved room*.
- (e) ensure the premises are available for inspection at all reasonable times by the City Inspector and the Registrar.
- (f) ensure all parties are aware that the granting of approval does not guarantee the availability of a Registrar.
- (g) ensure advertising of premises or locations where approval has been granted is not implied to be a recommendation of that place by the Council or the Registrar General.
- (h) ensure that no food or drink is sold, dispensed or consumed within the approved room where a ceremony will take place for at least one hour before or during the ceremony.
- (i) ensure that smoking is not permitted in the approved room for at least one hour before or during the ceremony.
- (j) ensure that the approved room is clearly signposted and that no charge is made for anyone attending.
- (k) ensure that a separate room is available to the Registrar before and after the ceremony.

- (l) ensure that a designated car parking space is available for the sole use of the Registrar.
- (m) ensure that music is organised and controlled by a designated person. This music must be secular and take into account any copyright issues.
- (n) ensure guests are aware that photographs may not be taken during the ceremony. Also that couples are aware that one video camera will be permitted for use during the ceremony – preferably hand held and battery operated.
- (o) ensure that there will be no connection with religion or religious practice.

*approved room – the room or location as defined on the approval certificate where the marriage ceremony will be held.

The Approval Holder must be aware that marriage is a solemn and dignified occasion and must ensure that nothing of a frivolous or unseemly nature is permitted before or during the ceremony, which detracts from the dignity of marriage.

Part 4

Arranging a Marriage at Approved Places or Premises

Once approval has been granted the Marriage ceremony requires to be arranged. Arrangements will be made between the Approval Holder, the Parties and the Registrar. The following procedures must be followed in case of a 3 year Place or Temporary Approvals.

- (a) parties wishing to marry must make preliminary enquires with the Approval Holder or Responsible Person. Please note that, in the case of a temporary approval the Approval Holder must be either the bride or the groom.
- (b) Form AP1 (a) must be completed by the Approval Holder or Responsible Person agreeing that the marriage can take place on/at their premises. The Council will supply these forms to the Approval Holder. The Approval Holder should remind the parties that the completion of Form AP1 (a) does not guarantee the availability of the Registrar and therefore the date and time cannot be confirmed at this time.
- (c) the parties must be advised to attend the Registrar's Office as soon as possible, bringing with them the completed Form AP1(a) and the Registrar's attendance fee.
- (d) at this time Form AP1(b) will be completed confirming the availability of the Registrar and the date and time of the ceremony. The Registrar will

issue copies of completed Form AP1 to the Approval Holder and to the Parties within 21 days of receiving the application AP1 (a).

- (e) an advance booking may, in most cases, be made with the Registrar up to 3 years before the date of the proposed marriage (there will be a non refundable fee for this service).
- (f) the parties must be advised of any limits as to the numbers of guests attending their marriage as required by Health and Safety and Fire Safety Regulations.
- (g) the parties must be advised that punctuality on the day of the marriage is essential as the Registrar may have other appointments on that day.

Derry City Council accepts no responsibility for the cancellation of ceremonies due to the late arrival of any member of the bridal party.

- (h) any civil marriage taking place on a vessel or vehicle will be carried out on the understanding that it remains stationary throughout the ceremony to allow the Registrar to leave once the ceremony has been completed.
- (i) the Approval Holder and the Responsible Person must be aware that the necessary legal preliminaries to marriage must be completed by the parties. Marriage Notice forms must be completed by the bride and groom and lodged with the Registrar about four to six weeks before the date of the marriage. Failure to comply with these preliminaries will mean the marriage cannot take place.

Part 5

Procedures on the Day of the Wedding

- (a) the Registrar will arrive at the premise/location about 30 minutes before the agreed time of the wedding.
- (b) a designated car parking space must be provided for the Registrar as near the main entrance as possible.
- (c) on arrival the Registrar will make himself/herself known to the Responsible Person. The Responsible Person will liaise with the Registrar to ensure that conditions and requirements are met and procedures are in place to allow for the smooth running of the ceremony.
- (d) where an admission fee is normally charged this must be waived for all wishing to attend the ceremony.
- (e) the Registrar must on arrival, have access to where the ceremony will take place and interview facilities.

- (f) the Responsible Person may have to ensure ushers are provided to assist the marriage party and the Registrar.
- (g) music may be provided but must be secular i.e. no religious content and organised by the Responsible Person. (see Part 3 (m)).
- (h) the Responsible Person shall remind the guests at the ceremony of the procedure regarding photography and video recording (see Part 3 (n)).
- (i) immediately before the ceremony the Registrar will conduct a confidential interview with the parties to the marriage.
- (j) after the marriage the Registrar will require the Bride, Groom and Witnesses to sign the Marriage Schedule. A table shall be provided for this purpose. Once the Marriage Schedule has been signed the Registrar's duties will be complete.

It is important to be aware that when conducting a marriage ceremony the Registrar is obliged to act in accordance with the Marriage (NI) Order 2003, the associated Regulations and any guidance from the Registrar General for Northern Ireland.

Guidance from the Registrar General

In considering the suitability of places as venues for civil marriages the Council will have regard to the following guidance from the Registrar General.

- (a) the law is intended to allow civil marriages to be solemnised at any approved location, including any premises, fixed buildings, temporary structures, enclosures and similar structures, land (including any land covered with water insofar as within the jurisdiction of the registration district) and any vessels or vehicles, without compromising the fundamental principles of marriage law and the solemnity and dignity of civil marriage. These will mean that certain places are not suitable for approval.
- (b) civil marriages must be solemnised at identifiable places within the registration district in respect of which the marriage schedule has been issued. The position of the place must be suitably defined in words or figures so as to enable it to be recorded in the Marriage Schedule. Such a system is already in place in relation to religious marriages. Local Registrars are familiar with what is required for describing the location of religious marriages and will be able to use that experience in describing civil marriage venues. For the avoidance of doubt, the Council may approve moving vessels as approved, provided that for the duration of the marriage ceremony any such vessel remains within the boundary of the registration district in which the marriage is to be solemnised. This may result in the owner or operator of a vessel seeking approval from more than one Local Authority if they intend that the vessel in respect of that area of water within the registration district boundary to which the approval applies.
- (c) The Council is required not to approve a place if the Council is of the opinion that the place will compromise the solemnity and dignity of civil marriage. The primary use of a place would render it unsuitable if the use could be regarded as demeaning marriage or bring it into disrepute.
- (d) the Council is also precluded from granting approval to any place with a recent or continuing connection with any religion or religious practice which would be incompatible with the use of that place for the solemnisation and dignity of civil marriages. This would, for example, rule out any place, any building or any specific room or space within a building whose primary purpose is still considered to be linked to religion e.g. a chapel in a stately home. However, a place in which a religious group meets occasionally may be suitable if its primary use is secular. GRO (NI) also recognises that there are places where the issue may not be clear-cut. For instance, ruined abbeys and churches clearly would have a historical religious connection. In determining whether such places might be approved as venues for civil marriages, the Council should examine and take into account the present-day circumstances.
- (e) civil marriage in approved places may be followed by a celebration, commemoration or blessing of the couple's own choice, provided that this does not purport to be a religious marriage and that it is distinct from the civil ceremony.

Conditions of Approval

The following conditions are set by the Registrar for Northern Ireland and will be attached to notices of Approval.

- (a) the Approval Holder is responsible for compliance with these conditions and must make arrangements to ensure that in his or her absence a person of suitable responsibility is available in this regard.
- (b) the Approval Holder (or his/her delegate) shall be available in or at the approved place for a minimum of one hour prior to each civil marriage ceremony and throughout the ceremony itself.
- (c) the Approval Holder must notify the Council immediately of any change to the following: -
 - The nature of the approved place from that described in the application for approval;
 - The name, description and full postal address (if any) of the approved place; and
 - The address of the Approval Holder.
- (d) where a person is deemed to be an Approval Holder under Regulation 28, that person shall be obliged to notify the Council immediately of that fact in accordance with Regulation 28(2).*
- (e) the approved place must be available for inspection by the City Inspector and the Registrar all reasonable times.
- (f) no food or drink may be sold or dispensed or consumed in any approved place in which a marriage ceremony is to take place within one hour prior to that ceremony or during the ceremony itself, except where the ceremony takes place in a separate room or similarly defined space within the approved place in which case this restriction shall only apply to that room or space.
- (g) the arrangements made by the Approval Holder for each civil marriage ceremony must meet with the prior written approval of the District Registrar of the registration district in which the approved place is situated.
- (h) any reference to an approved place on any sign or notice, in or on any stationary or publication, or within any advertisement, relating to that place, may state, that the approved place has been approved by the Council as a venue for civil marriages in pursuance of the Order and if it does so, must state that such an approval does not bind the Council to perform or provide a service without prior consultation with and agreement of Derry City Council.
- (i) any reference shall not state or imply any recommendation of the approved place or its facilities by the Council, the Registrar General or any of the officers or employees of either of them.

* Marriage (NI) Regulations 2003 available on www.groni.gov.uk

Registrar Generals Guidance for Those Wishing to Marry at an Approved Place

- (a) As soon as a couple has made provisional arrangements for their marriage at an approved place they should be advised to contact the Registrar for the district in which the place is situated.
- (b) Without the presence of the Registrar there can be no marriage and any arrangements for the use of the place depends entirely on the Registrars availability. It is, therefore, essential that the couple make an advance booking with the Registrar for his or her attendance at their proposed marriage as soon as a booking is made. A fee for this attendance will be payable in advance of the ceremony.
- (c) Each of the couple will also have to complete formal notice of marriage and lodge it with the District Registrar not more than one year, and not less than fifteen days, before the wedding.
- (d) The couple should be warned that any arrangements made for a marriage to take place at the approved place are dependent on: -
- The attendance of the registrar for the district in which the place is situated; and
 - The issue of the Schedule for Marriage by the Registrar to whom notice of marriage was given.
- (e) The couple should be advised that only a **civil non-religious** ceremony can be permitted by the Registrar. Any music, readings, words or performance that form any part of the ceremony must be secular i.e. have no religious content. The content of the ceremony must be agreed in advance with the Registrar who will be attending the ceremony.
- (f) Any rights of copyright for music, reading etc. permitted at the ceremony are a matter for the couple and the holder of approval.

Revocation and Suspension of Approval

Revocation and Suspension

Derry City Council may revoke or suspend an approval if, in its opinion, after considering any representations by or on behalf of an Approval Holder, that

- the Approval Holder has failed to comply with one or more of the standard or local conditions attached to the approval;
- the approved place is no longer suitable for the solemnisation of civil marriages; or
- in the case of a period approval, the Approval Holder is not or is no longer a fit and proper person.

If the Approval Holder ceases to have an interest in the approved place, then the Council may also revoke, suspend or vary the terms of the approval.

When approval has been suspended or revoked the Regulations require the Approved Holder to notify any couples who have arranged to marry in the place.

Variation

Subject to providing notice to the Approval Holder the Council may, at any time, vary the conditions attached to a temporary approval, or the further conditions attached to a Place Approval, on any grounds it thinks fit.

Appeal

Local Authorities should note that, under Article 18(c) (i) of the Marriage (NI) Order 2003, an applicant or an Approval Holder may appeal to the County Court against any decision of the Council if the Approval Holder considers that the Council erred in law, based on its decision on any incorrect material fact, acted contrary to natural justice or exercised its discretion in an unreasonable manner. In upholding an appeal, the County Court may remit the case back to the Council for reconsideration of its decision or reverse or modify the decision of the Council.