

## Members' Library Service Request Form

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Originator	Customer Services, Diane Robertson, Service Improvement Manager
Originator's Ref (if any)	
Document Title	Implementation of the Marriage and Civil Partnership (Scotland) Act 2014

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Additional information:

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Designation	Head of Communities and Partnership
Date	06/05/14

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**REPORT TO:** Members' Library Service

**MEETING DATE:** 5 May 2014

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Implementation of the Marriage and Civil Partnership (Scotland) Act 2014

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## **1 PURPOSE**

- 1.1 The purpose of the report is to note the proposed changes as part of the implementation of section 21 of the Marriage and Civil Partnership (Scotland) Act 2014
- 1.2 The report notes that the Scottish Government has written seeking the views of East Lothian Council in relation to the proposed changes.
- 1.3 The report also notes the impact to East Lothian Council services and further changes that are expected as a result of the implementation of the 2014 Act, when and if approved.
- 1.4 The report seeks approval to apply an extension to the end of 2014 to any Approved Licenses which are due to expire within the next few months.

## **2 BACKGROUND**

- 2.1 The first same sex marriage in Scotland are expected towards the end of 2014.
- 2.2 Registrars and Managers of Registration were invited to a meeting at the NRS at which Simon Stockwell was in attendance from The Scottish Government on 1 April 2014. The purpose of the meeting was to gain the views of those dealing directly in Registration, across Scotland, of the proposed changes and the implementation of the 2014 Act.
- 2.3 The main impact to Registration services is that the Council will no longer require to administer a scheme of Approved and Period Venue Licenses for the purpose of undertaking Civil Marriages out with its premises.

### **3 BACKGROUND**

#### **Implementation of the 2014 Act**

- 3.1 The first same sex marriage in Scotland is expected towards the end of 2014. At this time it is not yet clear whether changes from civil partnerships to marriages and the provisions of the Act on transgender people will be implemented to the same timetable.
- 3.2 Section 21 of the 2014 Act amends the Marriage (Scotland) Act 1977 so that civil marriage ceremonies can take place anywhere, other than religious premises, agreed by the couple and the registrar, rather than at 'approved places'
- 3.3 Once commenced, the amendments will mean that a civil marriage ceremony can take place in:
- The registration office of the authorised registrar; or
  - At an appropriate place in the registration district of the authorised registrar: or
  - With the approval of the Registrar General, at the registration office of another authorised registrar; or
  - With the approval of the Registrar General, at an appropriate place in the registration district of another authorised registrar; or
  - With the approval of the Registrar General, at an appropriate place in Scottish waters.
- 3.4 The changes will apply to both opposite sex and same sex marriages, although, as indicated above, same sex marriages are not expected to start until the end of 2014.
- 3.5 Civil partnerships may already be registered at any place agreed between the couple and the registrar (section 93 of the Civil Partnerships Act 2004 refers).
- 3.6 At the meeting on 1<sup>st</sup> April 2014 with Registrars, it was highlighted that a sufficient lead time was required. The proposal to commence section 21 is from 1<sup>st</sup> September 2014.
- 3.7 Other provisions of the 2014 Act which may be possible to commence before the end of the year are:
- Sections 17 and 25 on the power of district registrars to require evidence of nationality from those entering marriage or civil partnerships. The meeting on 1 April 2014 agreed these provisions and they should commence as soon as the Registrar General's guidance in this area is available.
  - Section 18 and 24 (12) on extending the notice period of marriage and civil partnership (respectively) from 14 days to 28 days. The meeting

on 1 April agreed that these provisions should be commenced the same time. As section 24 (12) cover the matters as well, this is likely to mean that commencement of both provisions would be around the end of the year.

- Section 19 – the effect of this is that where a person wants to marry out with Scotland and seeks a certificate about his or her legal capacity from the district registrar, the person must provide a copy of the decree of dissolution or annulment of any previous civil partnership. The Government intends to commence section 19 in May 2014.
- Section 22 – this is a minor amendment to section 20 of the Marriage (Scotland) Act 1977. This allows a couple to have a second marriage ceremony in Scotland if they have already married out with the UK but there is some doubt about the validity of the overseas ceremony. Section 20 of the 1977 Act prescribes an endorsement to the Marriage Schedule in these circumstances and contains references to the figures '19', reflecting the twentieth century. Section 22 of the 2014 Act repeals the figures '19'. The Government intends to commence section 22 in May 2014.
- Section 32 – This corrects an erroneous cross-reference in the Registration of Births, Deaths and Marriages (Scotland) Act 1965. The Government intends to commence section 32 in May 2014.

### **Further Implications to Council Services**

- 3.8 The impact of 3.2 and 3.3 will be that the Council will no longer require to administer a scheme of Approved and Period Venue Licenses.
- 3.9 The repeal of such provisions will mean that the Registration service will be able to respond more flexibly to a request to conduct a ceremony out with its own premise.
- 3.10 It is also expected that the repeal of such provisions will make it more attractive for local businesses to arrange Civil Ceremonies on their premises without the initial outlay of the License fees.
- 3.11 The repeal of Licensed premise will require the Registration service to have an administrative and Risk Assessment system in place to ensure the Health, Safety and Wellbeing of its' staff when undertaking Civil Ceremonies in locations that may now be out with Commercial premises.
- 3.12 A further Members' Library Service report will be submitted to outline the administrative system and associated guidance to couples in due course.
- 3.13 The lead time for section 21 of the 2014 Act, supported by Registrars across Scotland, is achievable in relation to the changes highlighted above that will require to be adopted as part of the overall legislative impact.

- 3.14 It is recommended that any existing Approved License for the period of 3 years which is due to expire shortly will be given an extension to the end of 2014 to ensure that we do not collect any fees that will require to be reimbursed due to the impact of Section 21 implications.
- 3.15 This proposal is supported by Building Standards who currently support the Licensed Venue scheme by giving authorisation to Licenses.
- 3.16 It is expected that the repeal of Licensed Venues will result in a loss of income of around £3,000 per annum. This is the fees paid by applicants wishing either a Period or one-off license.
- 3.17 The relaxation of venues where both marriage and civil partnership's can take place may increase the volume of Civil Ceremonies undertaken by Celebrants and therefore there may be an opportunity to generate additional income to compensate.
- 3.18 An administrative charge may also be applied by East Lothian Council to cover the costs of carrying our Risk Assessments associated with requests for their staff to carry out Ceremonies out with its premise and again this may generate additional income.
- 3.19 Any proposed administrative charges will be outlined in the Members Library Service report highlighted in 3.12.

#### **4 POLICY IMPLICATIONS**

- 4.1 None

#### **5 EQUALITY IMPACT ASSESSMENT**

- 5.1 The report is not applicable to the wellbeing of equalities groups and an Equality Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – There will be a loss of income due to the repeal of Licensed Venues of approx £3,000 per annum. However the relaxation may generate additional income in relation to the number of Civil Marriages and Civil Partnerships being carried out by Registration Celebrants per year. An administration charge may also be applied for the purpose of carrying out Risk Assessments associated with any requests to carry out Ceremonies out with East Lothian Council premises and again this may generate additional income at that time.
- 6.2 Personnel - none
- 6.3 Other – None

## **7 BACKGROUND PAPERS**

- 7.1 Letter to All Local Authority Chief Executives in Scotland seeking views in response to the proposed changes of the implementation of the marriage and civil partnership (Scotland) Act 2014 (Appendix 1)
- 7.2 Guidance to the Requirements and Conditions for Approved Premises for Civil Marriages (Appendix 2)

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<b>DATE</b>	5 <sup>th</sup> May 2014

**To: All local authority chief executives in Scotland**

**Copy: Convention of Scottish Local Authorities**

10 April 2014

Dear Chief Executive

## **IMPLEMENTATION OF THE MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) ACT 2014**

### Introduction

1. This letter seeks your views by **Friday 9 May 2014** on the implementation of section 21 of the 2014 Act, on civil ceremonies taking place anywhere agreed by the registrar and the couple.
2. This letter follows a meeting organised by National Records of Scotland on 1 April 2014, attended by registrars from across Scotland.

### Implementation of the 2014 Act generally

3. The first same sex marriages in Scotland are expected towards the end of 2014. It is not yet clear whether changes from civil partnerships to marriages and the provisions of the Act on transgender people will be implemented to the same timetable.

### Section 21 of the 2014 Act

4. Section 21 amends the Marriage (Scotland) Act 1977 so that civil marriage ceremonies can take place anywhere, other than in religious premises, agreed by the couple and the registrar, rather than at “approved places”<sup>1</sup>.
5. Once commenced, the amendments will mean that a civil marriage ceremony can take place in:
  - The registration office of the authorised registrar; or
  - At an appropriate place in the registration district of the authorised registrar; or

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<sup>1</sup> Information by National Records of Scotland on the current provisions is at: <http://www.gro-scotland.gov.uk/regscot/getting-married-in-scotland/civil-marriages-in-approved-places.html>

- With the approval of the Registrar General, at the registration office of another authorised registrar; or
- With the approval of the Registrar General, at an appropriate place in the registration district of another authorised registrar; or
- With the approval of the Registrar General, at an appropriate place in Scottish waters.

6. This will apply to both opposite sex and same sex marriages, although, as indicated above, we do not expect same sex marriages to start until the end of this year.

7. Civil partnerships may already be registered at any place agreed between the couple and the registrar (section 93 of the Civil Partnership Act 2004 refers).

8. We discussed the commencement of section 21 of the 2014 Act with registrars at the meeting on 1 April. The majority view was that some lead-in time was required. **Therefore, the Government proposes to commence section 21 so that it comes into force on 1 September 2014. I would be grateful for views on this proposal.**

### Other provisions of the 2014 Act

9. It may also be possible to commence other provisions of the 2014 Act before the end of the year. Areas of particular interest to local authorities are:

9.1 Sections 17 and 25 on the power of district registrars to require evidence of nationality from those entering marriage or civil partnerships. The meeting on 1 April agreed these provisions should be commenced as soon as the Registrar General's guidance in this area is available.

9.2 Sections 18 and 24(12) on extending the notice period for marriage and civil partnership (respectively) from 14 days to 28 days. The meeting on 1 April agreed that these provisions should be commenced at the same time. As section 24(12) covers other matters as well, this is likely to mean that commencement of both provisions would be around the end of this year.

9.3 Section 19. The effect of this is that where a person wants to marry outwith Scotland and seeks a certificate about his or her legal capacity from the district registrar, the person must provide a copy of the decree of dissolution or annulment of any previous civil partnership. The Government intends to commence section 19 in May 2014.

9.4 Section 22. This is a minor amendment to section 20 of the Marriage (Scotland) Act 1977. This allows a couple to have a second marriage ceremony in Scotland if they have already married outwith the United Kingdom but there is some doubt about the validity of the overseas ceremony. Section 20 of the 1977 Act prescribes an endorsement to the Marriage Schedule in these circumstances and contains references to the figures "19", reflecting the twentieth century. Section 22 of the 2014 Act repeals the figures "19". The Government intends to commence section 22 in May 2014.

9.5 Section 32. This corrects an erroneous cross-reference in the Registration of Births, Deaths and Marriages (Scotland) Act 1965. The Government intends to commence section 32 in May 2014.

## Conclusion

10. Please send your reply to this letter to Simon Stockwell, Civil Law and Legal System Division, The Scottish Government, St Andrew's House, Edinburgh, EH1 3DG. E-mail: [simon.stockwell@scotland.gsi.gov.uk](mailto:simon.stockwell@scotland.gsi.gov.uk)

Yours sincerely

SIMON STOCKWELL  
Family and Property Law



# East Lothian Council

## Guidance to the Requirements and Conditions For Approved Premises for Civil Marriages

Introduction

**PART 1**

Requirements for Premises

**PART 2**

Issuing an Approval

**PART 3**

Approval Holders Responsibilities

**PART 4**

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wishing to marry at an Approved Place

**APPENDIX E**

Revocation and Suspension of Approval

# INTRODUCTION

This guidance is issued with reference to the Marriage (Scotland) Act 1977 as amended by the Marriage (Scotland) Act 2002 (available on [www.scotland-legislation.hmso.gov.uk/legislation/scotland/acts2002/20020008.htm](http://www.scotland-legislation.hmso.gov.uk/legislation/scotland/acts2002/20020008.htm)) and the Marriage (Approval of Places) (Scotland) Regulations 2002 (available on [www.scotland-legislation.hmso.gov.uk/legislation/scotland/ssi2002/20020260.htm](http://www.scotland-legislation.hmso.gov.uk/legislation/scotland/ssi2002/20020260.htm))

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

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

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

## PART 1

### Requirements for Premises

#### 1. Who can apply for Approval?

- (a) 3 year Period Approval – applications may be made by the Proprietor or a trustee of suitable premises for use as a civil marriage venue.
- (b) Temporary Approval – applications must be made by either of the parties to an intended civil marriage.

#### 2. Which premises/locations can be approved?

Any premises/location which meets the requirements of the East Lothian Council's Approval process. The following conditions will determine suitability:-

- (a) The premises/location must provide an appropriate and dignified setting for the celebration of marriage.
- (b) Civil marriages must be solemnised at identifiable places within East Lothian.
- (c) Health and Safety regulations and Fire regulations must be satisfied.
- (d) Public Liability Insurance must be provided.
- (e) The premises must have no recent or continuing religious connections.
- (f) The safety of Registration Office staff and their legal documents will be a consideration as to the suitability of the premises.

#### 3. Additional Information

- (a) There is no limit to the number of rooms which can be approved for marriages. Please note each application fee covers the rooms contained in one building.
- (b) Marriages must take place only in a room/location which is approved.
- (c) A separate room must also be available for the confidential interviewing of marriage parties.

## PART 2

### Issuing an Approval

#### 1. How to apply

Application forms can be obtained from: Senior Registrar, Department of the Chief Executive, East Lothian Council, John Muir House, Haddington, EH41 3HA. Telephone 01620 827980, Fax 01620 827289

#### 2. Application

The completed form must be signed by the Proprietor of the Premises, his/her Trustee or in the case of Temporary Approvals, the Bride or Groom.

Forms should be submitted with all appropriate documents and fees to the Administration Manager at the address above.

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

The Marriage (Approval of Places) (Scotland) Regulations 2002 require that public notice be given of an application. The Council requires that this be displayed by the applicant in a prominent place on/at the premises/place for 21 days. (see paragraph 12)

#### 3. Objections

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

(a) specifies the name and address of the person making it

(b) specifies the reason for the objection

(c) was made to the East Lothian Council within 21 days from the date on which public notice was given (see Part 2. 2)

The Marriage (Approval of Places) (Scotland) Regulations 2002 also allow for an authority to consider an objection to which the above applies received outwith the notice period.

East Lothian Council shall send a copy of any objection submitted in accordance with the regulations to the applicant.

#### 4. 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. Refusals will be issued within 3 months. (see paragraph 8).

#### 5. Appeals See Appendix E4.

#### 6. Inspection

The premises will be inspected by a Senior Manager and a Registrar and/or other representatives of the Council, the Police and the Fire Brigade. 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.

#### 7. Validity

A Period Approval will be valid for 3 years from the date of issue – Updated copies of any certificates, which may expire during this time, must be submitted to the Senior Registrar. 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 Senior Registrar but this may require re-application and incur charges.

#### 8. Renewal

The approval holder may apply for the renewal of a Period Approval. A renewal will run from the expiry date of the current Period 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.

#### 9. Expired Approval

Civil marriages cannot take place in premises or locations where the 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.

#### 10. Refusal or Non-Renewal of Approval

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

#### 11. Revocation and Suspension

East Lothian Council has the right to revoke or suspend an Approval at any time. (see Appendix E1)

Before revoking the approval the Senior Registrar will:

- (a) notify in writing the reasons why it is proposed to revoke the Approval.
- (b) the holder will be given an opportunity to answer and rectify any breaches of requirements, conditions and regulations.
- (c) if the Approval holder is still unable to meet these requirements the Senior Registrar will notify in writing the date 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. Any fees paid are non-refundable.

#### 12. Surrendering Approval

The holder of a 3 year Period Approval or Temporary Approval may surrender the approval at any time which will be revoked as soon as is practicable. 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. Any fees paid are non-refundable.

#### 13. Variation

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

#### 14. Register of Approved Premises

A Register of all premises holding 3 year Period Approvals will be kept by the Senior Registrar and notified to the Registrar General for Scotland. The register will contain:

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

This register will be available for public inspection during office hours at any of the Registration Offices within the East Lothian Council area.

## PART 3

### Approval Holders Responsibilities

The Approval Holder must:

1. Appoint a “Responsible Person” who will be named on all applications. The responsible person will have sufficient authority to guarantee 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. Subsequent amendments may be made, in writing to the Senior Registrar, prior to the date of marriage. The Approval Holder may appoint himself or herself as a responsible person.
2. Ensure that all information held by the Senior Registrar is current and complete i.e. changes to names or telephone numbers of responsible person or depute.
3. 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.
4. Ensure compliance with any limitations imposed by Health and Safety regulations and Fire regulations in respect of the number of guests allowed into the approved room \*.
5. Ensure the premises are available for inspection at all reasonable times by the Senior Registrar and/or Council Representatives.
6. Ensure that all parties are aware that the granting of approval does not guarantee the availability of a Registrar.
7. Ensure advertising of premises or locations where approval has been granted is not implied to be a recommendation of that place by the East Lothian Council or the Registrar General.
8. Ensure no food or drink is sold, dispensed or consumed within the approved room where the ceremony will take place for at least one hour before or during the ceremony.
9. Ensure that smoking is not permitted in the approved room for at least one hour before or during the ceremony.
10. Ensure that the approved room is clearly signposted and that no charge is made for anyone attending.
11. Ensure a separate room is available to the Registrar before and after the ceremony.
12. Ensure car parking is available at the venue for the Registrar.
13. Ensure music is organised and controlled by a designated person. This music must be secular and take into account any copyright issues.
14. Ensure guests are aware that photographs may not be taken during the ceremony. Also that couples are aware that only one video camera will be permitted for use during the ceremony – preferably hand held and battery operated.
15. Ensure that there will be no connection with religion or religious practice.

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.

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

## PART 4

### Procedures on the day of the Wedding

1. The Registrar will arrive at the premises/location about 30 minutes before the agreed time of the wedding.
2. Car parking space should be provided for The Registrar as near to the main entrance as possible.
3. On arrival the Registrar will make themselves known to the Responsible Person. The Responsible Person will liaise with the Registrar to ensure conditions and requirements are met and procedures are in place to allow for the smooth running of the ceremony.
4. Where an admission fee is normally charged this must be waived for all wishing to attend the ceremony.
5. The Registrar must, on arrival, have access to where the ceremony will take place and interview facilities.
6. The Responsible Person may have to ensure Ushers are provided to assist the marriage party and the Registrar.
7. Music may be provided but must be secular in content and organised by the Responsible Person. (see Part 3. 13)
8. The Responsible Person should remind the guests at the ceremony of the procedure regarding photography and video recording. (see Part 3. 14)
9. After the marriage the Registrar will require the Bride, Groom and Witnesses to sign the Marriage Schedule. A table should be provided for this purpose. Once the Marriage Schedule has been signed the Registrars 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 (Scotland) Act 1977, all amendments to this Act and associated Regulations and guidance from the Registrar General for Scotland.

## APPENDIX A

### Guidance from the Registrar General

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

1. The new 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 Scottish marriage law and the solemnity and dignity of civil marriage. This will mean that certain places are not suitable for approval.
2. 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, local authorities may approve moving vessels as approved places 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 should be approved for civil marriages to be carried out on board. Each approval will apply to the vessel in respect of that area of water within the registration district boundary to which the approval applies.
3. A local authority is required not to approve a place if the authority 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 that use could be regarded as demeaning marriage or bringing it in to disrepute.
4. The local authority 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 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. GROS also recognises that there are places where the issue may not be clear-cut. For instance, ruined abbeys and churches clearly would have had an historical religious connection. In determining whether such places might be approved as venues for civil marriages, local authorities should examine and take into account the present-day circumstances.
5. Civil marriages 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.

## APPENDIX B

### Conditions of Approval

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

1. 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.
2. 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.
3. The Approval Holder must notify the authority immediately of any change to the following -
  - (a) the nature of the approved place from that described in the application for approval;
  - (b) the name, description and full postal address (if any) of the approved place; and
  - (c) the address of the Approval Holder.
4. Where a person is deemed to be an Approval Holder under regulation 17, that person shall be obliged to notify the authority immediately of that fact in accordance with regulation 17(2).\*
5. The approved place must be made available for inspection by the authority at all reasonable times.
6. 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 separate room or similarly defined space within the approved place in which case this restriction shall only apply to that room or space.
7. 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.
8. (1) Any reference to an approved place on any sign or notice, in or on any stationery or publication, or within any advertisement, relating to that place, may state, that the approved place has been approved by the authority as a venue for civil marriages in pursuance of the Act and if it does so, must state that such an approval does not bind the authority to perform or provide a service without prior consultation with and agreement of said authority.  
  
(2) Any reference under (a) shall not state or imply any recommendation of the approved place or its facilities by the authority, the Registrar General or any of the officers or employees of either of them.

\*Regulations available on  
[www.scotlandlegislation.hmsso.gov.uk/legislation/scotland/ssi2002/20020260.htm](http://www.scotlandlegislation.hmsso.gov.uk/legislation/scotland/ssi2002/20020260.htm)

## APPENDIX C

### Conditions of Approval – East Lothian Council

The issues listed below illustrate the minimum requirements for the granting of approval for a temporary approval to conduct one wedding, and for approvals for a three-year period.

1. That the location is in East Lothian.
2. In the event of a temporary approval application that the application is lodged with the Registrar, 3 months before the event.
3. That the location is a Fixed Building, temporary structure, enclosure or defined area of land.
4. That in the event of an enclosure or defined area of land, appropriate physical cover will be provided for the Registrar.
5. That in all locations there will be a private room with appropriate facilities for the Registrar to meet with the couple prior to the wedding.
6. That the location has no current or recent religious connection
7. That a responsible person is confirmed to the Registrar. This person will be the Registrar's contact for all aspects of the physical conditions of the location. In particular, the responsible person is responsible for providing:
  - A location plan to be submitted to the Registrar for the Registration area for each marriage
  - Confirmation that the location has appropriate insurance for all those attending including the registrar
  - That any fire safety requirements are met
  - That any other requirements laid down within the approval are met
  - That in the event of the responsible person not being able to be in attendance at the event, that a deputy is identified and is approved by the Registrar. In such circumstances, the deputy becomes responsible for all duties held normally by the responsible person.
8. That the location will be established in such a way that the sale or consumption of food or alcohol is separate from the civil wedding ceremony.
9. That the location will not compromise the solemnity and dignity of civil marriage.

## APPENDIX D

### Registrar General's Guidance for those wishing to marry at an Approved Place

1. 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.
2. Without the presence of the Registrar there can be no marriage and any arrangements for the use of place depend entirely on the registrar's 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 can be accepted. A fee for this attendance will be payable in advance of the ceremony.
3. Each of the couple will also have to complete formal notice of marriage and lodge it with the district registrar not more than three months, and not less than fifteen days, before the wedding.
4. The couple should be warned that any arrangements made for a marriage to take place at the approved place are dependent on:
  - (a) the attendance of the Registrar for the district in which the place is situated; and
  - (b) the issue of the schedule for marriage by the Registrar to whom notice of marriage was given.
5. 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. The content of the ceremony must be agreed in advance with the Registrar who will be attending the ceremony.
6. Any rights of copyright for music, reading etc. permitted at the ceremony are a matter for the couple and the holder of approval.

## APPENDIX E

# Revocation and Suspension of Approval

### Revocation and Suspension

- (1) The authority may revoke or suspend an approval if, in its opinion, after considering any representations by or on behalf of the Approval Holder, that:
  - (a) the Approval Holder has failed to comply with one or more of the standard or local conditions attached to the approval;
  - (b) the approved place is no longer suitable for the solemnisation of civil marriages; or
  - (c) 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 local authority may also revoke, suspend or vary the terms of the approval.

- (2) When approval has been suspended or revoked the regulations require the Approval Holder to notify any couples who had arranged to marry in the place.

### Variation

- (3) Subject to providing notice to the Approval Holder, a local authority may, at any time, vary the conditions attached to a temporary approval, or the further conditions attached to a Period Approval, on any grounds it thinks fit.

### Appeal

- (4) Local authorities should note that, under section 18A of the Marriage (Scotland) Act 1977, an applicant or an Approval Holder may appeal to the Sheriff against any decision of the local authority if the Approval Holder considers that the local authority: erred in law, based 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 Sheriff may remit the case back to the local authority for reconsideration of its decision or reverse or modify the decision of the local authority. Thereafter, an appeal to the Court of Session is allowed only on a point of law.

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