



General Register Office
for
SCOTLAND
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**THE REGISTRAR GENERAL
FOR SCOTLAND'S
GUIDANCE TO
SCOTTISH LOCAL AUTHORITIES
ON
THE APPROVAL OF PLACES
FOR CIVIL MARRIAGES**

ISSUED JANUARY 2007

THE REGISTRAR GENERAL FOR SCOTLAND'S GUIDANCE TO SCOTTISH LOCAL AUTHORITIES ON THE APPROVAL OF PLACES FOR CIVIL MARRIAGES IN PURSUANCE OF THE MARRIAGE (APPROVAL OF PLACES) (SCOTLAND) REGULATIONS 2002 (S.S.I No. 260/2002)

INTRODUCTION

1. This Guidance is issued by the Registrar General under the Marriage (Scotland) Act 1977 (the 1977 Act) (as amended by the Marriage (Scotland) Act 2002) (the 2002 Act), and Regulation 19 of the Marriage (Approval of Places) (Scotland) Regulations 2002 (S.S.I. No. 260/2002). It supplements the requirements of those Regulations in relation to the approval by Scottish local authorities of places as venues for civil marriage. Local authorities are required by Regulation 7(3)(a) to have regard to this Guidance before granting any period approval or temporary approval of a place as a venue for civil marriage. The Guidance has been updated to incorporate amendments to the 1977 Act by section 48 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (the 2006 Act) and to take into account The Marriage (Approval of Places) (Scotland) Amendment Regulations 2006 (S.S.I. No. 573/2006). The 2006 amendments add definitions for the approval of vessels on or in which civil marriages may be solemnised in "Scottish waters" as defined in section 48(9) of the 2006 Act..

2. This Guidance should be read in conjunction with the 2002 and 2006 Acts and the 2002 and 2006 Regulations. Copies of the Acts and the Regulations are available from The Stationery Office.

TYPES OF PLACES

3. The new law is intended to allow civil marriages to be solemnised at any approved place, 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 (either within the seaward boundary of the registration district or in Scottish waters), without compromising the fundamental principles of Scottish marriage law and the solemnity and dignity of civil marriage. The term "place" is defined in Regulation 1(2). This definition has been qualified by the 2006 Regulations to be "within the seaward boundary of the registration district". The 2006 Regulations have also amended Regulation 1(2) to include the definition of an "approved vessel". In addition, regulation 7 sets out how a local authority should determine an application for a place or vessel in Scottish waters to be approved for civil marriages.

4. Civil marriages must be solemnised at identifiable places or on or in vessels either within the registration district in respect of which the Marriage Schedule has been issued or in Scottish waters. The position of the place or vessel in Scottish waters must be suitably defined in words or figures so as to enable it to be recorded in the Marriage Schedule. 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 either within the boundary of the registration district in which the marriage is to be solemnised or the vessel is in Scottish waters. 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. An existing approval issued by a local authority for a vessel positioned within a registration district is sufficient to cover the vessel when it is in Scottish waters (and vice versa) and where the civil marriage is to be solemnised by one of its registrars.

5. Regulation 7(2)(a) requires a local authority not to approve a place or vessel in Scottish waters if, in its opinion, the place or vessel in Scottish waters will compromise the solemnity and dignity of civil marriage. The primary use of a place or vessel in Scottish waters would render it unsuitable if that use could be regarded as demeaning civil marriage or bringing it into disrepute.

6. Regulation 7(2)(b) precludes approval if the place is in religious premises, that is to say premises which (i) are used solely or mainly for religious purposes: or (ii) have been so used and have not subsequently been used solely or mainly for other purposes. This would, for example, rule out any place, any building, vessel or any specific room or space within a building or vessel whose primary purpose is still considered to be linked to religion, e.g. a chapel in a stately home or a room used primarily as a church in or on a vessel.. However, a place in which a religious group meets occasionally may

be suitable if the primary use of the place is secular. For some places the issue may not be clear-cut. For instance, ruined abbeys and churches clearly would have had a historical religious connection. In determining whether a place or a vessel in Scottish waters might be approved as a venue for civil marriages, local authorities should examine and take into account the present-day circumstances.

7. Civil marriages in approved places or in or on approved vessels 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.

OTHER REQUIREMENTS BEFORE AN APPLICATION CAN BE CONSIDERED

8. In addition to being satisfied that the requirements relating to the type of place or vessel are met, the local authority may wish to consult relevant bodies (e.g. the fire authority, police authority and building control) to be assured that a place or vessel in respect of which approval is sought complies with their requirements. The approval holder would also be subject to statutory requirements relating to health and safety. This may include consideration of the carrying out of a risk assessment of the location. In applying for approval, the applicant should also list details of any public liability insurance he or she may hold in relation to the place.

9. In considering an application for approval of a vessel that would operate in Scottish waters, the local authority would want to ensure that (as required by amended Regulation 3(1)(b)) the applicant has provided sufficient information to identify the intended

position or area of operation in Scottish waters, the location at which the vessel may be inspected and the intended points at which the attending registrar would embark and disembark.

10. Regulation 7(4) also requires that, a period approval shall not be granted where the local authority is of the opinion that the applicant is not a fit and proper person. Local authorities are used to making such assessments under existing licensing law and, in doing so, should apply a similar process in assessing the applicant.

11. The applicant must consider the statutory requirements relating to disability discrimination and the promotion of equal opportunities and racial equality.

12. In addition to the national criteria, local authorities may, if they wish, specify local requirements. These should apply to all places or vessels within their area or in Scottish waters for which approval is sought. It is envisaged that these requirements will relate to, inter alia, a separate room for a pre-marriage interview by the registrar, toilet facilities, the seating capacity of the marriage room and, where appropriate, car parking provision. However, a local authority must not rule out an application for approval of a venue or of a vessel because it considers there might already be sufficient venues or vessels in its area or in Scottish waters. The demand for such approved venues or vessels is a matter to be left to market forces. Similarly, a local authority must not rule out an application for approval of a venue or of a vessel because it might be seen as competing with the local authority's own venues for civil marriages.

13. Local authorities should also obtain and consider the views of the Chief Registrar of the local authority. Where the post of Chief Registrar does not exist, a Senior Registrar or the District Registrar would be an acceptable substitute. The Chief Registrar (or Senior Registrar or District Registrar) will have a wealth of practical knowledge and experience concerning civil marriages which the local authority will be able to draw on when determining the suitability of a venue or vessel for the solemnisation of civil marriages.

THE APPLICATION PROCESS

14. To simplify the application procedure local authorities may choose to introduce an application form outlining the requirements for approval. Specimen forms, which may be amended or augmented to reflect local wishes, are attached at **Appendices A-D**. Appendix A is an application form for a Period Approval. Appendix B is a form of notification for a Period Approval. Appendices C and D are the corresponding forms for Temporary Approvals.

15. Regulation 2(2) prevents a temporary approval being granted if the place or vessel in Scottish waters has a period approval that will not expire before the date of the intended marriage.

16. The definition of "in writing" in Regulation 1(2) allows for applications to local authorities, and responses from local authorities, to be sent by electronic means. Applications, representations, objections and notifications may therefore be sent by electronic mail. Local authorities should explore the potential for payment by electronic means.

17. Where a local authority has refused an application for an approval, Regulation 10 prevents it from considering a subsequent application within one year of the date of refusal for the same kind of approval in respect of the same place or vessel unless the local authority considers there has been a material change of circumstances since the refusal.

CONDITIONS OF APPROVAL

18. The standard conditions for period approvals contained within the Schedule to the Regulations have been framed in such a way as to ensure that every marriage will comply with the legal requirements and that the seamliness and dignity of the occasion will be maintained. For instance, paragraph 6 of the Schedule specifies that the sale or consumption or dispensing of food or drink in an approved place or vessel in Scottish waters should be kept separate from the specific location of the civil marriage ceremony. The approval holder (or in the approval holder's absence a person of suitable responsibility - the approval holder's delegate) must be available at the place or vessel in Scottish waters before and during the ceremony to ensure that the arrangements comply with all the conditions attached to the approval. The approval holder's delegate must have sufficient authority to enforce these conditions and liaise with the registrar over any matters affecting the ceremony.

19. Paragraph 7 of the Schedule requires the approval holder to seek the prior written approval of the district registrar to the physical arrangements for each civil marriage at the approved place or vessel in Scottish waters, e.g. the layout of the place at which the civil marriage is to be solemnised. This could take the format of an event

plan for the day. Agreement of this will ensure that on the day of the civil marriage the arrangements meet the needs of the district registrar and of the marriage parties. The seeking of the approval and the district registrar's granting of approval may be conducted by electronic means, such as e-mail, to reduce the burden on approval holders. It is worth emphasising that the registrar who is to conduct the civil marriage retains the existing discretion in law to refuse to proceed with a ceremony if there is a risk of inappropriate conduct.

20. In addition to the national conditions for period approvals, a local authority may, if it so wishes, attach to a temporary approval such conditions, and to a period approval, such further conditions, as it considers reasonable. It is envisaged that these conditions might relate to such matters as ensuring the facilities provided at the place or vessel are suitable, the marking or roping off of the specified area, the absence of noise from other activities and the clearance of confetti. Local authorities may also propose their own policies in relation to issues, for example permitting marriage ceremonies to take place on Sundays and at times that differ from normal registration office hours.

GRANT AND RENEWAL OF APPROVAL

21. A period approval, unless subsequently revoked, varied or suspended, will be valid for a period of 3 years or such lesser period as the local authority may determine.

22. The renewal process is the same as the period approval application process. Local authorities may wish to adopt a reminder system. A renewal should be expressed to take effect

from the date on which the current period approval expires.

23. Regulation 17 provides that a period approval shall remain in force notwithstanding that the approval holder ceases to have an interest in the approved place or approved vessel. The Regulation deems the person to whom the interest is transferred as the approval holder. The deemed approval holder is required to notify the local authority immediately. The local authority may consider the matter and has powers under Regulations 15 and 16 to revoke, suspend or vary the approval.

24 The grant of a temporary approval shall be valid only for the date stated on the temporary approval, unless the authority, on the request of the applicant in writing agrees to amend the stated date. As a matter of good practice, before agreeing such a change, the local authority should consult the appropriate district registrar.

REGISTRATION, NOTIFICATION OF APPROVAL, REVOCATION SUSPENSION AND VARIATION

25. Local authorities may wish to consider issuing a formal document upon the grant of an approval which will specify the conditions attaching to the approval and give the information that must be passed on to anyone who wishes to marry at the approved place or in or on the approved vessel. The standard conditions for a Period Approval are provided at **Annex A** and for a Temporary Approval at **Annex B**. Additional information is also provided at **Annex C**. Guidance for the marriage parties is also provided at **Annex D**. In any event, the approval holder must be given a copy of the conditions in writing. Should any of the conditions attached to the approval

not be complied with, the local authority should contact the approval holder and explain the remedial steps required and confirm that advice in writing if requested to do so. The statement should make clear what action is necessary, why it is necessary, the period within which action should be taken, and consequences of not doing so.

26. It is essential that the district registrar(s) and the Registrar General are notified without delay of any additions and amendments to the register of approved places or approved vessels. A copy of the document sent to the applicant will suffice as notification of an approval.

27. When an approval has been revoked the Regulations lay the onus on the approval holder to notify any couples who had arranged to marry at the place. Nevertheless, local authorities may consider it prudent for a registrar who has accepted a booking or been given a notice of marriage to notify the couple that the booking has been cancelled and a Marriage Schedule specifying that place will not be issued.

28. A local authority may also suspend an approval with immediate effect or vary the terms of an approval if any of the provisions set out in the Regulations apply.

NOTIFICATION AND OBJECTIONS

29. Regulation 5 requires the local authority to cause public notice to be given of each application for a period or temporary approval. The notice is also required to state the address at which the application can be inspected and to which objections should be given. Local authorities have a wide discretion as to how they may do this.

30. Regulation 6 also provides a mechanism under which any person may object in writing to an application for the grant of an approval.

APPEALS

31. Under Section 18A of the 1977 Act, an applicant or an approval holder may appeal to the Sheriff against any decision of the local authority if 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. Thereafter, an appeal to the Court of Session is permissible only on a point of law. 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.

FEES

32. There are two fees which are to be levied by local authorities, the level of which is to be decided by the local authority. Each fee shall be set at a level equivalent to the local authority's estimate of the average cost of providing the service including the full costs of staff and other resources. There is no authority to charge any other fee, whether for inspection after the grant of approval, rehearsal of the marriage ceremony or any other purpose.

33. The **fee for the application for an approval or for renewal of a period approval** can be determined in advance. Local authorities may choose to set classes of fees (according to the average cost of dealing with an application for all places or vessels or places or vessels

of a particular type) or set individual fees according to the cost of dealing with each application. Local authorities can require this fee, or a sum on account, to be submitted with the application. If a sum on account is paid, the balance can be requested when the application has been determined.

34. The **fee payable for the attendance of the registrar** to solemnise the marriage is to contain a core element to cover overheads, but can either be a standard amount or can differ to take account of such variables as the cost of registration officers attending outside their normal hours of work, the distance to the approved place or vessel and the extra cost of providing cover at the registration office. Local authorities may wish to consider publishing a scale of fees, perhaps for each approved place or vessel, which could vary according to the hour of the day and the day of the week on which the marriage is to take place. This fee is to be paid by the parties to the marriage to the local registration authority not less than seven days prior to the date of the ceremony (or a lesser period at the discretion of the local registration authority). This will avoid bad debts or large sums of money being carried to the wedding to pay the registrar.

35. Local authorities should consider the extent to which applications and fees may, in practice, be transmitted by electronic means.

36. Customs and Excise have advised that all these fees are exempt from VAT because they relate to non-business activity of the local authority.

APPENDIX A

APPLICATION FOR PERIOD APPROVAL AS AN APPROVED PLACE FOR MARRIAGES IN PURSUANCE OF REGULATION 3 OF THE MARRIAGE (APPROVAL OF PLACES) (SCOTLAND) REGULATIONS 2002 (S.S.I. No. 260/2002)

This form when completed must be forwarded to the [] council
at
together with the appropriate fee (Appendix E) payable to

1. I apply for the place (or vessel in Scottish waters) named at item 2 below to be approved for use by the public for the solemnisation of civil marriages in the presence of a registrar.
2. I attach 3 copies of a plan/description of the place.
3. I attach details of public liability insurance in respect of the place (or vessel in Scottish waters) for which approval is sought.
4. I understand that –
 - a) the place (or vessel in Scottish waters) may be inspected for suitability before approval is granted and, if this application is successful, may be subject to subsequent inspection;
 - b) approval, if granted, will not exceed a three year period, subject to revocation, suspension or variation; and
 - c) the place (or vessel in Scottish waters) must satisfy the local authority on fire precautions and health and safety provisions.
5. I declare that –
 - a) I have read and understood the information contained in this form and Appendices E and F and Annex C;
 - b) the place (or vessel in Scottish waters) is not in religious premises; religious premises being premises which-
 - (i) are used solely or mainly for religious purposes; or
 - (ii) have been so used and have not subsequently been used solely or mainly for other purposes;
 - c) I have obtained any necessary permissions regarding use of and access to the place(or vessel in Scottish waters); and
6. I further declare that, if approval is granted, I will comply with the standard conditions (Annex A) and any local conditions (Annex B) attached to that grant of approval.

This application may be made by any person. If successful the applicant will be the holder of the approval.

Signature of applicant:

Date:

Interest in the place: [e.g. owner, tenant]

Address for correspondence, contact telephone and fax numbers, e-mail address:

<p>1. Full names and private addresses of applicant. If the application is made by a limited company please give the address of the registered office and where different state also the main trading address of the Company.</p>	
<p>2. Name, postal address and telephone number of the place or vessel which is the subject of this application.</p>	
<p>3. Please describe the nature of the place or vessel at question 2 (e.g. hotel, stately home, civic accommodation, cruise liner) and the primary and other uses to which it is regularly put.</p>	
<p>4. Is the person or company named in reply to question 1 the occupier of the place or vessel.</p>	
<p>5. If the answer to question 4 above is 'No' and there is another occupier, please give their name(s) and address(es).</p>	
<p>6. Please state here the maximum number of people permitted at the place or on or in the vessel under any fire certificate which applies. Please attach a copy of any certificate in force.</p>	
<p>7. Does the place or vessel currently have the benefit of any licence authorising use for public entertainment or similar purposes? If so please attach a copy.</p>	
<p>8. For applications relating to a vessel in Scottish waters please provide:- (i) any intended position or area of operation where it is intended that civil marriages will be solemnised, (ii) the location at which the vessel may be inspected; (iii) the intended points where the registrar would embark and disembark.</p>	

APPENDIX B

NOTIFICATION OF PERIOD APPROVAL OF AN APPROVED PLACE FOR MARRIAGES IN PURSUANCE OF THE MARRIAGE (APPROVAL OF PLACES) (SCOTLAND) REGULATIONS 2002 (S.S.I. No. 260/2002)

Name of authority

has granted approval for the place (or vessel in Scottish waters) shown below to be used for the solemnisation of marriages under the provisions of the Marriage (Approval of Places) (Scotland) Regulations 2002.

Name and full postal address of the approved place (or vessel in Scottish waters)

Name and full postal address of the holder of this approval

Marriages in the presence of a registrar may be solemnised at the place (or vessel in Scottish waters), subject to the conditions attaching to this approval and Annexes A and B and the legal preliminaries to that marriage (Annex D).

This grant of approval will continue, subject to revocation, suspension or variation (Annex C), until the day of

This Approval is granted by *Name of authority*:
on this.....day of

To be accompanied by:

- Annex A a copy of the standard conditions for a period approval.*
- Annex B a copy of the further local conditions for a period approval.*
- Annex C additional information.*
- Annex D guidance for those who wish to marry at approved places.*

APPENDIX C

APPLICATION FOR TEMPORARY APPROVAL AS AN APPROVED PLACE FOR MARRIAGES IN PURSUANCE OF REGULATION 4 OF THE MARRIAGE (APPROVAL OF PLACES) (SCOTLAND) REGULATIONS 2002 (S.S.I. No. 260/2002)

This form when completed must be forwarded to the [] council at together with the appropriate fee (Appendix E) payable to

1. I apply for the place (or vessel in Scottish waters) named at item 2 below to be approved for use for the solemnisation of a marriage in the presence of a registrar.
2. I attach 3 copies of a plan/description of the place.
3. I attach details of public liability insurance in respect of the place (or vessel in Scottish waters) for which approval is sought.
4. I understand that –
 - a) the place (or vessel in Scottish waters) may be inspected for suitability before approval is granted and, if this application is successful, may be subject to subsequent inspection;
 - b) approval, if granted, will be for the date stated on the temporary approval, subject to revocation, suspension or variation; and
 - c) the place (or vessel in Scottish waters) must satisfy the local authority on fire precautions and health and safety provisions.
5. I declare that –
 - a) I have read and understood the information contained in this form and Appendices E and F and Annex C;
 - b) the place (or vessel in Scottish waters) is not in religious premises; religious premises being premises which-
 - (i) are used solely or mainly for religious purposes; or
 - (ii) have been so used and have not subsequently been used solely or mainly for other purposes;
 - c) I have obtained any necessary permissions regarding use of and access to the place (or vessel in Scottish waters); and
6. I further declare that, if approval is granted –
 - a) I will comply with the conditions (Annex B) attached to that grant of approval.

This application must be made by either of the parties to the marriage. If successful the applicant will be the holder of the approval.

Signature of applicant: Date:

Address for correspondence and contact telephone number:

1. Full names and private addresses of applicant.	
2. Name, postal address and telephone number of the place or vessel which is the subject of this application.	
3. Please describe the nature of the place vessel at question 2 and the primary and other uses to which it is regularly put.	
4. Is the person named in reply to question 1 the occupier of the place or vessel.	
5. If the answer to question 4 above is 'No' and there is another occupier, please give their name(s) and address(es)	
6. Please state here the maximum number of people permitted at the place or on or in the vessel under any fire certificate which may apply. Please attach a copy of any certificate in force.	
7. Please state here the maximum number of people who will attend at the place or vessel on the date of the marriage ceremony (including the marriage parties and witnesses.	
8. Does the place or vessel currently have the benefit of any licence authorising use for public entertainment or similar purposes? If so please attach a copy.	
9. For an application relating to a vessel in Scottish waters please provide:- (i) the intended position or area of operation where it is intended that the civil marriage will be solemnised, (ii) the location at which the vessel may be inspected; (iii) the intended points where the registrar would embark and disembark.	

APPENDIX D

NOTIFICATION OF TEMPORARY APPROVAL OF AN APPROVED PLACE FOR A MARRIAGE IN PURSUANCE OF THE MARRIAGE (APPROVAL OF PLACES) (SCOTLAND) REGULATIONS 2002 (S.S.I. No. 260/2002)

Name of authority

has granted approval for the place (or vessel in Scottish waters) shown below to be used for the solemnisation of a marriage under the provisions of the Marriage (Approval of Places) (Scotland) Regulations 2002.

Name and full postal address of the approved place (or vessel in Scottish waters)

Name and full postal address of the holder of this approval

Marriage in the presence of a registrar may take place at the place (or vessel in Scottish waters), subject to the conditions attaching to this approval (Annex B) and the legal preliminaries to that marriage (Annex D).

This grant of approval will be for the date, subject to revocation, suspension or variation (Annex C),

This Approval is granted by *Name of authority*:
on this.....day of

To be accompanied by:

- Annex B a copy of the conditions for a temporary approval.*
- Annex C additional information.*
- Annex D guidance for those who wish to marry at approved places.*

GUIDANCE FROM THE REGISTRAR GENERAL

In considering the suitability of places (or vessels in Scottish waters) 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 place, 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 (either within the seaward boundary of the registration district or in Scottish waters), without compromising the fundamental principles of Scottish marriage law and the solemnity and dignity of civil marriage. These will mean that certain places or vessels will not be suitable for approval.

2. Civil marriages must be solemnised at identifiable places or on or in vessels either within the registration district in respect of which the Marriage Schedule has been issued or in Scottish waters. The position of the place or vessel in Scottish waters must be suitably defined in words or figures so as to enable it to be recorded in the Marriage Schedule. 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 or the vessel is in Scottish waters. 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. An existing approval issued by a local authority for a vessel positioned within a registration district is sufficient to cover the vessel when it is in Scottish waters (and vice versa) and where the civil marriage is to be solemnised by one of its registrars.

3. A local authority is required not to approve a place or vessel in Scottish waters if the authority is of the opinion that the place or vessel in Scottish waters will compromise the solemnity and dignity of civil marriage. The primary use of a place or vessel in Scottish waters would render it unsuitable if that use could be regarded as demeaning marriage or bringing it into disrepute.

4. The local authority is also precluded from granting approval if the place is in religious premises, that is to say premises which (i) are used solely or mainly for religious purposes: or (ii) have been so used and have not subsequently been used solely or mainly for other purposes. This would, for example, rule out any place, any building, vessel or any specific room or space within a building or vessel whose primary purpose is still considered to be linked to religion, e.g. a chapel in a stately home or a room used primarily as a church in or on a vessel.. However, a place in which a religious group meets occasionally may be suitable if the primary use of the place is secular. GROS also recognises that there are places or vessels where the issue may not be clear-cut. For instance, ruined

DRAFT GUIDANCE FOR ILLUSTRATIVE PURPOSES ONLY

abbeys and churches clearly would have had an historical religious connection. In determining whether a place or vessel might be approved as a venue for civil marriages, local authorities should examine and take into account the present-day circumstances.

5. Civil marriages in approved places or in or on approved vessels 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.

The authority has also resolved to adopt the following policy:

CONDITIONS TO BE ATTACHED TO PERIOD APPROVALS

The authority **must** attach the following standard conditions from the Schedule to the Regulations to any period 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 or her delegate) shall be available in or at the approved place or approved vessel 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 any of the following—
 - (a) the nature of the approved place or approved vessel from that described in the application for approval;
 - (b) the name, description and full postal address (if any) of the approved place or approved vessel; 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 or approved vessel 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 or approved vessel 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 or approved vessel in which case this restriction shall apply only 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 or, in the case of a marriage in or on a vessel in Scottish waters, of the proposed authorised registrar.
8. (1) Any reference to an approved place or approved vessel on any sign or notice, or on any stationery or publication, or within any advertisement, relating to that place may state, subject to sub-paragraph (2), that the approved place or approved vessel 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 (1) shall not state or imply any recommendation of the approved place or approved vessel or its facilities by the authority, the Registrar General or any of the officers or employees of either of them.

ANNEX B

CONDITIONS TO BE ATTACHED TO TEMPORARY APPROVALS (OR FURTHER CONDITIONS TO BE ATTACHED TO PERIOD APPROVALS)

Any conditions for a temporary approval or further conditions the local authority considers appropriate upon grant of period approval

ADDITIONAL INFORMATION

RENEWAL

1. 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.

REVOCATION AND SUSPENSION

2. 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

- (i) the approval holder has failed to comply with one or more of the conditions attached to the approval;
- (ii) the approved place is no longer suitable for the solemnisation of civil marriages;
or
- (iii) 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 or vessel, then the local authority may also revoke, suspend or vary the terms of the approval.

3. When an 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

4. 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

5. 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.

REGISTRATION

6. Details of each approved place and each approved vessel for which it grants a period approval will be held for public inspection by the authority. The details will be copied to the registrar of the district in which each place is situated (or in the case of an approved vessel to the proposed authorised registrar of the authority in question) and to the Registrar General who shall both, in turn, keep a register of every approved place or vessel based upon the entries provided by the authority. Those registers shall be available for public inspection at all reasonable times.

GUIDANCE FOR THOSE WISH TO MARRY AT AN APPROVED PLACE

1. As soon as a couple has made provisional arrangements for their marriage at an approved place or in or on an approved vessel in Scottish waters they should be advised to contact the registrar for the district in which the place is situated or the proposed authorised registrar of the authority at

2. Without the presence of the registrar there can be no marriage and any arrangements for the use of the place or vessel in Scottish waters 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 a 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 or in or on the approved vessel in Scottish waters are dependent on:

- a) the attendance of the registrar for the district in which the place is situated (or as the case may be, the proposed authorised registrar of the relevant authority); 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, reading, words or performance which 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 the approval.