ABERDEENSHIRE COUNCIL
MARRIAGE (SCOTLAND) ACT 1977
MARRIAGE (APPROVAL OF PLACES)(SCOTLAND) REGULATIONS 2002
APPLICATIONS FOR APPROVAL OF PLACES
FOR SOLEMNISATION OF CIVIL MARRIAGES/CIVIL PARTNERSHIPS

Notes for Guidance of Applicants

Please read these notes before completing and lodging the application and the fee of £350.00 (period approval) or £150.00 (temporary approval) with Ms Fiona M. Stewart, Senior Solicitor (Licensing), St. Leonard’s, Sandyhill Road, Banff, AB45 1BH. Where a council officer is authorised to grant an application, the processing will take approximately 28 days. If the application requires to be submitted to a Council Committee, the processing may take approximately 8-18 weeks. Details of the distinction and explanation for these estimates are included within these notes.

1 Introduction

1.1 Section 18A of the Marriage (Scotland) Act 1977 and the Marriage (Approval of Places)(Scotland) Regulations 2002 introduced with effect from 10 June 2002, the opportunity for couples to decide upon a civil marriage ceremony at any “place” approved by the local Council. “Place” is defined widely to include premises, fixed buildings, land, including land covered by water, and vehicles and vessels (either within the seaward boundary of the registration district or in Scottish waters).

1.2 The Council must refuse an application if it is of the opinion that –

a. The place will compromise the solemnity and dignity of civil marriage

b. The place has a recent or continuing connection with any religion or religious practice which would be incompatible with the use of that place for civil marriages

c. The place does not fulfil any other reasonable requirements of the Council, which the Council considers appropriate to make sure that the place is suitable.

1.3 The Council has agreed that whilst having regard to the Registrar General’s guidance, it will interpret “solemnity and dignity” within the spirit of the legislation. This is seen to widen the choice available to the public. It will not be used as a judge of what may or may not be “good taste”. Only if the venue is clearly unsuitable will the couple’s intentions be thwarted by refusal of their application.

1.4 Turning to the question of “religious connection”, this will be seen in present day circumstances. A realistic and sympathetic approach will be taken as it is likely that couples will choose a venue, for example, a ruined abbey, because of its spectacular location for a memorable occasion and not because of any historic religious significance.
1.5 There are two types of approval:

a. The first is called a **Period Approval** and, as the name suggests, it is for a period of time (up to 3 years). It would be expected that venues for these applications would be arranging with the local registrar civil marriage/civil partnership ceremonies on a fairly regular basis. The applicant for these approvals would normally be the owner or the operator of the venue. The law requires the Council to refuse a period approval if it is of the opinion that the applicant is not a fit and proper person to hold an approval.

b. The second type of approval is a **Temporary Approval**. This would be for a specific marriage ceremony/partnership ceremony. The applicant in this case would be one of the couple. Examples of these applications might be private houses, marquees, buildings or scenic locations which are of special significance to the couple but are not covered by a period approval.

1.6 The Council in considering any application will have regard to the Guidance issued by the Registrar General for Scotland who has overall responsibility for the registration service across Scotland. A brief summary is attached as Appendix F to these notes. Copies of the guidance are available from General Register Office, New Register House, West Register Street, Edinburgh, EH1 3YT and also the GRO Website: [http://www.gro-scotland.gov.uk/groweb/groweb.nsf/pages/file3/$file/msdg.pdf](http://www.gro-scotland.gov.uk/groweb/groweb.nsf/pages/file3/$file/msdg.pdf)

2 **Application**

2.1 The application form must be completed in full, signed, dated and lodged with the Council, together with the fee of £350.00 (period approval) or £150.00 (temporary approval) and the ancillary documentation referred to in the checklist attached to these Notes.

2.2 Please note that if the location is unusual or a vehicle or vessel is used, the Council may require to seek specialist advice. The applicant will be responsible for settling or reimbursing any consultation fees.

2.3 If the application is for a period approval please ensure you declare whether or not you have any criminal convictions and read the declaration relating to convictions prior to signing the application from.

2.4 The Council may require an applicant to provide information in addition to that requested on the form, in order to determine the application.

2.5 The Council requires sight of a current insurance policy, as outlined on the application form.

2.6 The Council is required to give Public Notice stating that the Council has received the application, where the application might be inspected and the procedure for objections. Anyone may object within 21 days of the notice. In order to ensure applications are processed as smoothly and efficiently as possible, the Council asks that the applicant co-operate in this regard.
2.7 The Council requires that, as soon as possible after receipt of the application, the applicants put up a notice, provided by the Council, on site at a place where it is most likely to be seen. It must be displayed for at least 21 clear days to allow for objections.

2.8 The Council will display a similar notice at a local Council Office.

2.9 Processing applications will involve consultation with other agencies such as the Chief Constable, Firemaster, Environmental Health Officers, Planning Officers, Building Control Officers, the Transportation and Roads Service and the Registrars. An inspection of the “place” may be required and applicants should expect contact from the consultees in relation to their applications.

2.10 If no adverse comment or objections have been received, applications will be granted by means of delegated authority. Approvals will be issued as soon as possible after the 21 days for objections has expired.

2.11 Where adverse comment or objections have been received, or there is doubt as to the suitability of the “place” for the purposes of solemnisation of a civil marriage, the application will be referred to the Policy & Resources Licensing Sub-Committee for consideration. Applications will be placed to the next available meeting of the Committee. These applications will therefore take more time for a decision.

2.12 Copies of any adverse comment or objections will be sent to the applicant as soon as possible after receipt. The applicant will be advised in writing of the date, time and place of the meeting, at least seven days in advance. Copies of the Committee Report will be made available to applicants at least fifteen minutes in advance of the meeting. Applicants will be given an opportunity to speak to their application at the meeting, and to answer any adverse comment or objection.

3 Refusals

3.1 The Council will refuse an approval if it is of the opinion –

a. That the place will compromise the solemnity and dignity of civil marriage

b. That the place has a recent or continuing connection with any religion or religious practice which would be incompatible with the use of that place for civil marriages.

c. That the place does not fulfil any other reasonable requirements of the Council, which the Council considers appropriate to make sure that the place is suitable.

d. In relation to period approvals only – that the applicant is not a fit and proper person to hold an approval.

3.2 There is a right of appeal to the Sheriff on refusal of an application.
3.3 The Council cannot consider within one year, another application for that place unless there has been a material change in circumstances.

4 Conditions

4.1 The 2002 Regulations set out standard conditions which must be attached to period approvals. The Council has no discretion and is bound to attach all standard conditions to period approvals granted. A copy of the standard conditions is attached at Annex A to this Note.

4.2 The 2002 Regulations also allow a Council to attach local conditions that are fitting for the premises or place. Aberdeenshire Council has not approved any set conditions, preferring instead to consider each application on its own merits and attach conditions appropriate to each place as may be reasonable. See Annex B.

4.3 Consultees may recommend conditions. These will be copied to applicants for their information. Applicants will be asked to undertake to comply with the local conditions. The recommendations will then be attached as local conditions to any approval granted.

4.4 Where the applicant is of the opinion that the recommendations are unreasonable and cannot be complied with, the application will be referred to the appropriate Committee for consideration.

4.5 The applicant has the right to appeal to the Sheriff in relation to any local conditions attached to an approval.

5 Temporary Approvals

5.1 Applications for temporary approval should be lodged as soon as is possible. It will be assumed that applicants have completed all arrangements, requirements and documentation with the local registrar in respect of their availability to perform the ceremony on the required date. If not, applicants should do so before applying for temporary approval.

5.2 Applicants should be aware that in terms of the marriage licence, a civil marriage ceremony/partnership ceremony can only be performed in the “approved place”. If that place is outdoors, applicants should take steps to ensure that the ceremony can still be performed in the approved place in adverse weather conditions, otherwise the ceremony may require to be postponed.

6 Renewal of Period Approvals

6.1 The certificate of approval will confirm the duration of the approval. An application for renewal should be lodged with the Council at least 28 days prior to the expiry of the existing approval. If the renewal application is lodged in time, the existing approval continues to have effect until the renewal application has been considered. The preliminary requirements on renewal are the same as those for a grant. This means that renewal applications may
also potentially attract objections and therefore require consideration by the appropriate Council Committee.

6.2 If an application for renewal is lodged after the expiry of the existing approval, the approval holder cannot benefit from the protection of the Regulations, and the application will be processed as a new application. Civil marriages would not be permitted to take place from the expiry date of the existing approval until the granting of the late renewal application.

6.3 Renewal reminders will be issued to Approval Holders as a courtesy only. The Council is not legally obliged to do so. Renewal reminders should not be relied upon. The Approval Holder is responsible for ensuring that renewal applications are lodged in time.

7 Revocation, Suspension and Variation

7.1 The Council may revoke or suspend an approval or vary its terms if satisfied, after considering any representations by or on behalf of a person or body complaining about the approved place or a period approval holder, and representations by or on behalf of the approval holder himself that –

a. The approval holder has failed to comply with the conditions of the approval

b. The approved place is no longer suitable as it -

   i) Will compromise the solemnity and dignity of civil marriage

   ii) Has a recent or continuing connection with any religion or religious practice which would be incompatible with the use of that place for civil marriages

   iii) Does not fulfil any other reasonable requirements of the Council, which the Council considers appropriate to make sure that the place is suitable

   iv) In the case of a period approval – the approval holder is not a fit and proper person.

7.2 The Council is also entitled to vary the conditions attached to an approval on any grounds it thinks fit, subject to giving 7 days notice of the variation and an opportunity for the approval holder to make representation whether in writing or in person on the day it is intended to vary the conditions.

7.3 If the holder of a period approval ceases to have an interest in the approved place, then the Council may also revoke, suspend or vary the terms of the approval.

7.4 When an approval has been suspended or revoked, the 2002 Regulations require the former approval holder to notify any couples who have arranged to marry in that place.
8 Transfers

8.1 There are no provisions allowing direct transfer of approvals. However, where the interest in premises which are the subject of a period approval is sold or otherwise transferred, the individual gaining right to the premises immediately has the benefit of a period approval. The Council does have the power to suspend or revoke the approval if it considers that the new owner is not a fit and proper person.

8.2 Approval holders who are selling premises covered by a period approval should notify the Council before the sale takes place.

9 Appeals

9.1 Section 18A of the Marriage (Scotland) Act 1977 empowers any applicant to appeal to the Sheriff against any decision made by the Council in relation to the application. This includes any decision to refuse an approval, to attach special conditions, to revoke or suspend an approval or to vary any of the conditions imposed on the approval.

9.2 Appeal to the Sheriff will only be successful if the Sheriff finds that:
   a. The Council’s decision was based on an error of law or on an incorrect material fact.
   b. The Council acted contrary to natural justice or had acted unreasonably in the exercise of its discretion.

9.3 Any appeal must be lodged with the Sheriff Clerk within 28 days of the date of the decision being appealed. If an applicant or approval holder considers making an appeal it is strongly advised that legal advice and legal representation are obtained.

9.4 The Sheriff may accept a late application for appeal if satisfied that good cause has been shown.

9.5 If the Sheriff upholds the appeal, the Council may be asked to re-consider its decision or the Sheriff may reverse or modify the Council’s decision. If the appeal is not successful, the applicant or approval holder may appeal on a point of law only to the Court of Session in Edinburgh within 28 days of the date of the Sheriff’s decision.

10 Contacting the Registrars

10.1 Period Approval Holders and couples seeking a temporary approval must notify the District Registrar to arrange for their attendance at the ceremony.

10.2 Guidance for those wishing to marry at an approved place is attached at Annex D to these notes.
10.3 Each couple must also 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.

11 Miscellaneous

11.1 Approval holders, or couples seeking a temporary approval, must ensure that there are sufficient ushers or other persons available to supervise guests attending the wedding ceremony. It is not the responsibility of the registrar officiating at the ceremony to organise or supervise guests attending the wedding.

Applications may be posted or hand delivered to:-

Ms Fiona M. Stewart
Senior Solicitor (Licensing)
Aberdeenshire Council
St. Leonard’s
Sandyhill Road
Banff
AB45 1BH.
### Checklist

All sections of the application form have been completed and the application signed.  

A copy of the appropriate insurance document and confirmation from the insurers that the insurance is adequate is attached  

Written consent from the appropriate owner/occupier is attached (where applicable)  

A fire safety risk assessment (period approvals) or health and safety risk assessment (temporary approvals) is attached  

A Fire certificate (where applicable) is attached  

Three Copies of plans of the premises are attached  

Copies of any liquor or public entertainment licences (where applicable) are attached  

A copy of the appropriate planning consent is attached (where applicable) or written confirmation that planning consent is not required.  

The appropriate application fee of £350.00 (period approval) or £150.00 (temporary approval) is attached