

OUTDOOR CIVIL MARRIAGES AND CIVIL PARTNERSHIPS

FREQUENTLY ASKED QUESTIONS (PUBLISHED 30 JUNE 2021)

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OUTDOOR CIVIL MARRIAGES AND CIVIL PARTNERSHIPS

FREQUENTLY ASKED QUESTIONS FOR REGISTRATION SERVICES (PUBLISHED 30 JUNE 2021)

Definition of “premises” and associated practicalities

Q.1: How will I know where in the linked outdoor areas the ceremony is taking place?

A: Approved Premises must obtain prior confirmation from the superintendent registrar of the district in which the approved premises are situated, or the authority, as the case may be that, in their opinion the location in the linked outdoor areas where it is proposed that proceedings take place is seemly and dignified. The responsible person at the venue should indicate to the superintendent registrar, and obtain their confirmation, that the location is seemly and dignified. These must also be clearly signposted at public entrances to the linked outdoor area and the built premises for individual proceedings, to facilitate attendees by guests and registration officials. Generalised signage is not sufficient.

Q.2: How will I know whether the ceremony is legally taking place (i.e. that it is taking place in the linked outdoor areas within the boundaries of land of which the built premises forms a part and which may be used in common with the built premises)?

A: Approved Premises **must** have discussed the proposed location with the superintendent registrar and have obtained their confirmation that the location is seemly and dignified. Where the land in question is not enclosed by a clearly defined boundary (i.e. a fence or other visible marker) the onus is on the responsible person at the Approved Premises to satisfy the superintendent registrar that the proposed location is within the boundary of the land. Superintendent registrars will be mindful of the need to ensure they do not conduct proceedings in contravention of the regulations. If there is any doubt, we suggest that they seek evidence from the Approved Premises prior to agreeing to conduct any ceremony at the proposed location.

Q.3: What should I do if I arrive to conduct a ceremony in the linked outdoor areas of an Approved Premises and the location of the ceremony within the linked outdoor areas is not in my view seemly and dignified?

A: This situation should not arise in practice as Approved Premises are required to consult and obtain the confirmation of the superintendent registrar that the proposed location is seemly and dignified, prior to any ceremony being arranged at the proposed location.

Q.4: What arrangements will venues be asked to make in the event of inclement weather?

A: Venues should have a suitable 'Plan B' available in the event of inclement weather. This may be an outdoor covered structure within the linked outdoor areas, or a previously 'approved' indoor room. All alternatives must comply with any current government Covid-19 restrictions or guidelines on social gatherings and adhere to health and safety requirements including fire risk assessment numbers for the room or outdoor structure.

Q.5: Can I refuse to officiate at the ceremony if it is in the open and there is inclement weather?

A: This should not be necessary, as Approved Premises are being advised to consider how to provide an alternative option for all ceremonies in outdoor linked areas in the event of inclement weather. The Superintendent Registrar will make the final decision as to whether a ceremony must move indoors.

Q.6: Will the place of the ceremony detailed on the Notice of Intention to marry/register a Civil Partnership and the certificate of marriage/Civil Partnership still be the name of the Approved Premises or will it need to specify that the wedding is in the linked outdoor areas of the Approved Premises?

A: As currently, the Notice of Intention to marry/register a Civil Partnership and the marriage or civil partnership schedule has the option to specify just the name of the Approved Premises, and not a specific room within the built premises, nor any location in the linked outdoor areas.

Whether an application is needed to use any linked outdoor areas and the use of plans

Q.7: When an existing Approved Premises proposes to use their linked outdoor areas, does the venue need to describe the outdoor space and locations within it to be used for ceremonies, alongside the description of the room(s) within the built premises which are already approved?

A: No. There will be no requirement for an existing Approved Premises to submit a revised plan showing the linked outdoor areas of the Approved Premises, nor the locations within the linked outdoor areas at which ceremonies are proposed to take place. However, Approved Premises must obtain prior confirmation from the superintendent registrar of the district in which the approved premises are situated, or the authority, as the case may be that, in their opinion the location in the linked outdoor areas where it is proposed that proceedings take place is seemly and dignified.

Where an existing Approved Premises is renewing its approval, however, the venue will need to show on the plan both the room(s) within the built premises for which approval is sought and also the linked outdoor areas within which it is proposed to conduct outdoor proceedings (though not the locations within these areas where

proceedings will be conducted). This is because the amended definition of “premises” means the built premises together with any linked outdoor areas. Regulation 3(2)(b) requires a plan to be submitted with a renewal (by operation of Regulation 7(4) which applies that and other requirements to an application for renewal as if it were an application for approval). While Regulation 3(2)(b) explicitly requires the room(s) of the premises to be shown on the plan, the amended definition of premises now includes the linked outdoor areas which must also be shown.

Q.8: Are applicants for new Approved Premises required to provide a plan/drawing of any linked outdoor areas which it is proposed to use, in addition to showing the indoor room(s) to be used within the built premises?

A: Premises which are applying for the first time to become Approved Premises will need to provide a plan which shows the extent of the full premises – so both the built premises and any linked outdoor areas of which the built premises form part. However, it is not necessary to show locations within the linked outdoor areas where ceremonies are proposed to take place. Venues must, however, as now show the indoor room(s) for which they seek approval.

Q.9: Given that for existing Approved Premises there is no formal application process, how can the public object to the use of any linked outdoor areas on an Approved Premises on grounds of noise, overcrowding, anti-social behaviour etc?

A: We do not anticipate a significant number of complaints but if a complaint is made, existing planning/nuisance regimes will deal with any issues which may arise.

Health and safety

Q.10: How can I satisfy myself that all health and safety considerations relevant to the linked outdoor areas, and any fire precautions in respect of partially enclosed structures in them, have been satisfied if these areas / structures have not previously been seen?

A: Approved Premises will be advised that it is their responsibility to ensure that any linked outdoor areas meet with existing health and safety requirements and venues may consult with the local authority for the avoidance of doubt. The local authority may carry out checks to ensure that any linked outdoor areas or structures to be used for outdoor proceedings are compliant.

Q.11: What should I do if I arrive to conduct a ceremony at an Approved Premises in the linked outdoor areas and the area or the specific location within it appears to be unsafe?

A: A situation such as this can and should be mitigated by prior consultation by the Approved Premises with the local authority as to the suitability of the linked outdoor areas in terms of health and safety considerations. The onus is on Approved Premises to ensure that appropriate health and safety measures are in place and are being complied with by staff. Despite this, if you have serious concerns about health

and safety you should contact your local authority who will advise you how or whether to proceed. Where health and safety measures appear inadequate the local authority may advise you not to conduct the ceremony.

The 2021 amending regulations are available at this link [The Marriages and Civil Partnerships \(Approved Premises\) \(Amendment\) Regulations 2021 \(legislation.gov.uk\)](#)

Amended RG Guidance on registering a venue for civil marriage and civil partnership (the eighth edition published 30 June 2021) will be available at this link [Guidance on registering a venue for civil marriage and civil partnership - GOV.UK \(www.gov.uk\)](#)

New guidance is being added to gov.uk for couples who are thinking of having an outdoor civil wedding or civil partnership registration on Approved Premises, and also for venues which may wish to offer outdoor proceedings. This guidance is available at this link, which is scheduled to be live at 00:01 on 1 July 2021 <https://www.gov.uk/government/publications/outdoor-marriage-and-civil-partnership-ceremonies>

OUTDOOR CIVIL MARRIAGES AND CIVIL PARTNERSHIPS

FREQUENTLY ASKED QUESTIONS FOR WEDDING VENUES (PUBLISHED 30 JUNE 2021)

Definition of “premises” and associated practicalities

Q.1: What are the main changes to how “premises” are now defined in the amended Regulations and what does this mean in practice?

A: The definition of “premises” is now the “built premises” together with “any linked outdoor areas”. “Built premises” means a permanently immovable structure (for example, a building or other structure) comprising at least a room, or any boat or other vessel which is permanently moored. “Linked outdoor areas” means any areas within the boundary of the land of which the built premises form part, which are not indoors, and which may be used in common with the built premises.

In practice this will mean that, from 1 July 2021, Approved Premises will be able to conduct civil marriage and civil partnership proceedings in the room (or rooms) within the built premises which are approved for those proceedings **and** also at locations outdoors within the boundaries of the land on which the built premises stand, provided that certain conditions are met. In particular, Approved Premises will need to consult in advance with the superintendent registrar **before** arranging any proceedings in the outdoor area, to obtain prior confirmation that the outdoor location fulfils the requirement to be seemly and dignified.

It is very important that venues undertake this prior consultation with the superintendent registrar. Failure to obtain prior confirmation that the proposed location of outdoor proceedings is seemly and dignified could result in the ceremony not taking place on the day. Superintendent registrars will not conduct proceedings in contravention of the 2005 Regulations (as amended).

Q.2: What is meant by “within the boundary of the land of which the built premises form part?” and “... which may be used in common with the built premises”?

A: The “boundary of the land of which the built premises form part” will be the land on which the built premises stand. In other words, the approved premises will be able to conduct proceedings in outdoor spaces on the same property. The onus is on the Approved Premises to satisfy the superintendent registrar that the proposed location for outdoor proceedings is within the boundary of the land of which the built premises forms part.

The land must be land which is available for use by the Approved Premises. The 2005 Regulations (as amended) do not permit other premises which stand on the land, and which are **not** Approved Premises, to conduct proceedings in the linked outdoor area.

Q.3: Will I be able to use other land I own which is nearby or the forest or park adjacent to my land?

A: No. The 2005 Regulations (as amended) only permit proceedings to take place in the linked outdoor areas within the boundaries of the land of which the built premises form part.

Q.4: Why does it matter whether a proposed location in the linked outdoor area is within the definition of “indoors” or “outdoors”?

A: The 2005 Regulations (as amended) attach different conditions to proceedings which take place in an approved room(s) within the built premises and those proceedings which take place in a location within the linked outdoor areas. Furthermore, an area which meets the definition of being “indoors” (because it is enclosed or substantially enclosed) cannot be used to conduct proceedings unless it is a room which has been approved for that purpose. **It is important that venues determine whether outdoor areas or structures would meet the definition for being “indoors” as any proceedings conducted in such areas or structures in the linked outdoor areas would be contrary to the regulations and invalid.**

Q.5: What counts as “indoors” and “outdoors” and how will I know the difference?

A: In order to determine what counts as “indoors”, existing Approved Premises owners and those applying for approval of premises for the first time should refer to the 2005 Regulations (as amended) and revised guidance issued by the Registrar General. The definition is also set out below for convenience.

An area is indoors if it is a space that would be considered to be enclosed, or substantially enclosed. Spaces are enclosed if they have a ceiling or roof and, except for doors, windows and passageways, are wholly enclosed either permanently or temporarily.

Spaces are substantially enclosed if they have a ceiling or roof but there is an opening in the walls or an aggregate area of openings in the walls which is less than half of the area of the walls, including other structures that serve the purposes of walls and constitute the perimeter of the premises. Openings in which there are windows, doors or other fittings that can be opened or shut cannot be taken into account in determining the area of an opening or aggregate area of openings.

Whether ceremonies are conducted indoors or in linked outdoor areas, Approved Premises venues must ensure they comply with any Public Health England/Welsh Government guidance on social gatherings and social distancing.

Q.6: If I erect a marquee or gazebo, will this count as indoors or outdoors?

A: This will depend on the nature of the structure. A ceremony can take place within a covered structure with minimum 50% open area. Venues may wish to consider the practicalities for dealing with inclement weather, for example by offering couples the alternative use of either a covered structure within the outdoor area which meets

the requirements for being outdoors (and which is therefore covered by the approval), or alternatively an approved room within the built premises which can accommodate the couple and their guests.

Q.7: Can a ceremony take place fully outdoors, with no structure required?

A: Yes – the amended Regulations permit this, but the proceedings must be within the boundaries of the land of which the built premises form part and must take place in a location which the approved premises may use. However, you must first consult the superintendent registrar as to the proposed location. He or she must confirm that in their opinion the proposed location is seemly and dignified. He or she must also approve the arrangements for and contents of the proceedings. Other conditions must also be met for the proceedings to take place, which include ensuring public access and providing notices and directions for the location of the proceedings.

Q.8: Can I use anywhere within the linked outdoor areas for ceremonies?

A: Yes, in principle, subject to the following conditions:

1. Prior confirmation must be secured from the superintendent registrar of the district in which the approved premises are situated, or the authority, as the case may be, that in their opinion, having regard to the primary use, situation, construction and state of repair, the proceedings will take place in a seemly and dignified location within the linked outdoor areas.
2. The location within the linked outdoor areas at which the proceedings take place must be identifiable by description.
3. No food or drink may be sold to or permitted to be consumed by persons attending the proceedings when gathering for the purposes of the proceedings or during the proceedings. However non-alcoholic drinks may be permitted to be consumed prior to the proceedings.
4. A suitable notice stating—
 - (a) that the premises have been approved for the proceedings;
 - (b) the description of the location within the linked outdoor areas at which the proceedings are to take place; and
 - (c) directions to the location within the linked outdoor areas at which the proceedings are to take place;must be displayed at each public entrance to the premises and the built premises for one hour prior to and throughout the proceedings (i.e. if you conduct proceedings in the linked outdoor areas, a notice must be displayed at the public entrances to the built premises as well as at public entrances to the linked outdoor areas).

It is important to note from the above that locations must be capable of description so that couples, their guests, registration officers and the public can easily find their way to the location. It is for the responsible person at the Approved Premises to ensure that this, and other conditions, are met.

Q.9: Do I need to apply for planning permission if I want to erect a covered structure in my linked outdoor areas?

A: You should discuss your proposal with your local planning officer. They will be able to advise on whether any new planning permission or revisions to any existing planning permission is required. It is not possible to provide generic guidance on this.

Q.10: Do I need to hold ceremonies in the same place(s) every time or can I change the locations?

A: Within any linked outdoor areas, venues have the flexibility to change locations. However, the responsible person at the Approved Premises should discuss any changes in advance with the superintendent registrar. Any necessary changes should be compliant with the conditions set out at Q.8 above.

Q.11: My Approved Premises has an outdoor space which is a rooftop. Can I use this for ceremonies?

A: Usually, yes, and subject to the conditions set out at Q.8 above. This will be for discussion between individual venues and the local authority as it depends on a number of factors, e.g. whether the rooftop forms part of the land of which the built premises form part and is available for use in common with the built premises, whether the rooftop is shared and, if so, whether its use for proceedings would breach any sharing arrangement in place.

Q.12: I am currently not allowed to provide food or drink before or during a ceremony in the room(s) approved for marriage and civil partnership ceremonies at my Approved Premises. Will I be able to do so if a ceremony is held outdoors?

A: See the conditions set out at Q.8 above. No food or drink may be sold or permitted to be consumed by persons gathering for the proceedings or during the proceedings, except for non-alcoholic drinks which may be consumed prior to the proceedings.

Q.13: Will there be a maximum number of guests who can attend a ceremony which is fully outdoor or within a partially enclosed structure outdoors?

A: The maximum number of guests will depend on a number of factors, including any legal restrictions or guidelines on Covid-19 and social gatherings, health and safety and fire precautions (especially in relation to any partially enclosed structure within which the outdoor proceedings are to take place), and any planning restrictions which may be in place or which may be imposed by the local authority.

Approved Premises should also consider how the same number of guests might be accommodated indoors in the event of bad weather, whilst meeting current guidelines and health and safety conditions, which may differ for indoor gatherings.

Q.14: Can other activities take place at or near the location of outdoor marriage or civil partnership proceedings in my linked outdoor areas?

A: The 2005 Regulations as amended do not impose any restriction on other activities taking place at the location of outdoor proceedings. However, Approved Premises must obtain prior confirmation from the superintendent registrar of the district in which the approved premises are situated, or the authority, as the case may be, that, in their opinion the location in the linked outdoor areas where it is proposed that proceedings take place is seemly and dignified. They must also approve the contents of and arrangements for the proceedings.

Approved Premises are strongly advised to ensure that no other activities are planned to take place within the linked outdoor areas at the same time as the proceedings, to ensure that such activities will not affect the prior assessment of the location for the proceedings as being seemly and dignified.

Q.15: I don't want to offer outdoor ceremonies. Does the law require me to make these available?

A: No. The amended 2005 Regulations are permissive. It is for individual Approved Premises, in discussion with their local authority, to decide whether they wish to offer outdoor ceremonies and (if so) on what basis.

Whether an application is needed to use the linked outdoor areas and the use of plans

Q.16: I am the owner of an existing Approved Premises. Will I have to apply to use my linked outdoor areas for ceremonies?

A: No. It will not be necessary to apply to use your linked outdoor areas as the amended 2005 Regulations allow, on a permissive basis, the use of linked outdoor areas of built premises which have already been approved. However, Approved Premises must first discuss with the superintendent registrar the proposed locations in linked outdoor areas at which proceedings are to take place, **prior to arranging those proceedings**, to obtain confirmation that the location fulfils the requirement to be seemly and dignified. Other conditions set out at Q.8 above must also be met.

Q.17: I am the owner of an existing Approved Premises. Will I have to submit a revised plan showing the linked outdoor areas of the premises and the locations within these areas I wish to use, before I can use them for ceremonies?

A: No. It will not be necessary to submit revised plans showing the linked outdoor areas it is proposed to use or specific locations within these areas where it is proposed to conduct proceedings. However, venues must first discuss with the superintendent registrar the proposed location for the proceedings prior to making any arrangements and obtain confirmation that the location is assessed to be seemly and dignified.

Q.18: I am the owner of a venue and am applying for it to become Approved Premises for the first time. When I make my application, do I need to show the linked outdoor areas of the premises on the plan, and the locations within these areas I intend to use for ceremonies?

A: You will need to provide a plan which shows the extent of the whole premises – so both the room(s) in the built premises for which approval is sought **and** any linked outdoor areas of which the built premises form part. It is not necessary, however, to show locations within the linked outdoor areas where proceedings are proposed to take place.

Venues must also first discuss with the superintendent registrar of the district in which the approved premises are situated, or the authority, as the case may, the proposed location for the proceedings prior to making any arrangements and obtain confirmation that the location is assessed to be seemly and dignified.

You must show the indoor room(s) for which you are applying for approval.

Q.19: I am the owner of existing Approved Premises. Will I need to pay an additional fee to use my linked outdoor areas?

A: If you are an existing Approved Premises owner, there will be no additional fee for using the linked outdoor areas of which the built premises form part.

Q.20: I am the owner of a venue which is currently not Approved Premises and am applying for approval. Will I need to pay an additional fee to use my linked outdoor areas?

A: You should discuss this with your local authority before submitting your application.

Health and safety

Q.21: Are there any additional health and safety requirements I must meet?

A: You should ensure the location of proceedings in the linked outdoor areas you propose to use meet with existing health and safety requirements, in the same way as if using these spaces for other aspects of the ceremony, e.g. receptions, photographs, etc. It is recommended you consult the local authority in advance to ensure the space is suitable, e.g. access issues for individual registrars (and guests), extreme allergies (e.g. animals, plants). The local authority may wish to carry out checks to ensure that any linked outdoor areas are compliant. If using a partially covered structure you should also consider appropriate fire precautions.

OUTDOOR CIVIL MARRIAGES AND CIVIL PARTNERSHIPS

FREQUENTLY ASKED QUESTIONS FOR COUPLES (PUBLISHED 30 JUNE 2021)

Q.1: Can I get married or register a civil partnership outdoors at all types of venue?

Civil marriages or civil partnerships which take place on Approved Premises, such as hotels, can be held in the outdoor grounds of the premises from 1 July 2021, providing that the venue agrees to conduct outdoor ceremonies and can comply with various conditions. Religious premises which are already approved for civil partnership registration will be able to hold the civil partnership ceremony within the grounds of the premises, if they wish to offer this option. In either case you will need to discuss what is possible with the venue.

Civil marriages which are held at a Register Office and religious marriages conducted in a place of worship cannot be held outdoors at the current time.

Q.2: I'm considering having an outdoor ceremony at an Approved Premises venue but I'm not sure which venues offer this option. Is there a register or list which shows which venues in my area will be providing outdoor ceremonies?

There is no central list of Approved Premises offering outdoor ceremonies because this is a new change and those venues will need to decide whether they wish to offer this option. There is no requirement for them to do so. There is, however, a list of [Approved Premises](#) and you can make enquiries of individual venues in the same way you would in order to determine whether other facilities may be available.

Q.3: I have an existing wedding ceremony booked at an Approved Premises. Can I now have that ceremony outdoors?

You should discuss this with the venue as soon as possible. The Government has made changes to the law to allow a civil wedding ceremony (or civil partnership registration) on Approved Premises to take place in the grounds of the venue. However, whether you can change your ceremony from a room inside the Approved Premises to a location in the grounds depends on whether the venue is offering outdoor ceremonies. The venue must also first obtain prior confirmation from the local authority that the proposed location for your outdoor ceremony is seemly and dignified. It is important that you discuss your wishes with the venue before making any firm plans.

Q.4: Will I need to change my notice of intention to marry if I have my ceremony in the grounds of the Approved Premises?

No – this will not be necessary unless you are changing to a different venue (for example, if your current venue has decided not to offer outdoor ceremonies).

Q.5: Will my ceremony be cancelled if it rains?

You should discuss and agree in advance with the Approved Premises venue the use of an alternative room within the premises, or a partially enclosed structure in the grounds, so that your ceremony can still take place in the event of bad weather. Venues have been advised to consider contingency plans so that a ceremony can still take place on the day.

Q.6: Can I have an unlimited number of guests at my ceremony if it is to be held outdoors?

The maximum number of guests who can attend your ceremony will depend on a number of factors, including any legal restrictions or [guidelines on Covid-19](#) and social gatherings, health and safety and fire precautions (especially in relation to any partially enclosed structure within which the outdoor ceremony will take place), and any planning restrictions which may be in place or which may be imposed by the local authority on the venue.

Approved Premises will also need to consider how the guests can be accommodated indoors in the event of bad weather, whilst meeting any current Covid-19 and health and safety requirements, which may differ for indoor gatherings depending on the size of the room(s) available.