SCOTTISH STATUTORY INSTRUMENTS

2002 No. 260

MARRIAGE

The Marriage (Approval of Places) (Scotland) Regulations 2002

Made - - - -	*30th May 2002*
Coming into force - -	*10th June 2002*

The Scottish Ministers, in exercise of the powers conferred by section 18A(1) and (2) of the Marriage (Scotland) Act 1977(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations, being the first to be made thereunder, a draft of which has in accordance with section 18A(10) of that Act, been laid before, and approved by resolution of the Scottish Parliament:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Marriage (Approval of Places) (Scotland) Regulations 2002 and shall come into force on 10th June 2002.

(2) In these Regulations, unless the context otherwise requires–

"the Act" means the Marriage (Scotland) Act 1977;

"applicant" means an applicant for an approval, and "application" shall be construed accordingly;

"approval" means a period approval or a temporary approval;

"approval holder" means the person on whose application the approval was granted pursuant to these Regulations, or a person who is deemed to be the approval holder under regulation 17;

"approved place" means a place which has been approved by an authority under these Regulations and for which said approval is still current;

"authority" in relation to any place means the local authority for the area in which the place is situated;

"in writing" includes transmission by electronic means;

"local registration authority" has the meaning assigned to it by section 5 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(**2**);

"period approval" means an approval granted under regulation 3;

(**1**) 1977 c. 15; section 18A was inserted by section 1(3) of the Marriage (Scotland) Act 2002 (asp 8).
(**2**) 1965 c. 49.

"place" means any place whose position within the registration district(**3**) can at the relevant time be suitably defined in words or figures for the purpose of recording where the civil marriage was solemnised and, without prejudice to the foregoing generality, includes any premises, fixed buildings, temporary structures, enclosures and similar structures, land (including any land covered with water in so far as within the jurisdiction of the registration district) and any vessels or vehicles; and

"temporary approval" means an approval granted under regulation 4.

(3) In these Regulations–

(a) any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations; and

(b) any reference in a regulation to a numbered paragraph is a reference to the paragraph in that regulation bearing that number.

Applicants

2.—(1) An application for a period approval may, following the procedures set out in regulation 3, be made to the authority by any person.

(2) An application for a temporary approval may, following the procedures set out in regulation 4, be made to the authority by either of the parties to an intended civil marriage in respect of any place which at the time of the application does not have a period approval, other than one that will expire before the date of the intended civil marriage.

Period approvals

3.—(1) An applicant for a period approval shall deliver to the authority an application in writing to include–

(a) the name and address of the applicant; and

(b) a description of the place where it is intended that civil marriages will be solemnised sufficient to identify that place and to allow the authority to inspect it and, in the case of a vessel or vehicle, a description of that vessel or vehicle and the location at which it may be inspected.

(2) If the authority so requires, a fee, or an amount on account of that fee, determined in accordance with regulation 13, must accompany the application.

(3) The applicant shall provide the authority with such additional information as the authority may reasonably require in order to determine the application.

(4) The authority may, if it considers it to be appropriate after receiving the application, arrange for the place to be inspected.

Temporary approvals

4.—(1) An applicant for a temporary approval shall deliver to the authority an application in writing to include–

(a) the name and address of the applicant;

(b) the date and time of the intended civil marriage; and

(c) a description of the place where it is intended that the civil marriage be solemnised sufficient to identify that place and to allow the authority to inspect it and, in the case of

(**3**) See the definition of "registration district" in section 5 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 ("the 1965 Act"). By virtue of section 26(1) of the Marriage (Scotland) Act 1977, expressions used in the 1965 Act and the 1977 Act will have the same meaning in the 1977 Act as in the 1965 Act.

a vessel or vehicle, a description of that vessel or vehicle and the location at which it may be inspected.

(2) If the authority so requires, a fee, or an amount on account of that fee, determined in accordance with regulation 13, must accompany the application.

(3) The applicant shall provide the authority with such additional information as the authority may reasonably require in order to determine the application.

(4) The authority may, if it considers it to be appropriate after receiving the application, arrange for the place to be inspected.

Notification of applications

5.—(1) As soon as practicable after receiving an application the authority shall, in accordance with paragraph (2), cause public notice to be given of that application.

(2) The notice referred to in paragraph (1) shall–

(a) identify the place and the applicant;

(b) state the date and time of the intended civil marriage, in relation to a temporary approval;

(c) state that objections to the application may be made to the authority in accordance with regulation 6; and

(d) state the address at which the application can be inspected and the address to which such objections should be given.

Objections

6.—(1) Any person may give notice in writing to the authority of an objection to an application for the grant of an approval in accordance with this regulation.

(2) The authority shall consider the objection provided that the objection–

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

(b) specifies reasons for the objection; and

(c) was made to the authority within 21 days from the date on which public notice was given under regulation 5.

(3) On special cause shown, the authority may consider an objection to which this regulation applies notwithstanding that it was not made within the period required by paragraph 2(c).

(4) The authority shall send a copy of any objection submitted in accordance with this regulation to the applicant.

Determination of applications

7.—(1) The authority shall not grant an approval if the application has not been made in accordance with these Regulations.

(2) The authority shall not grant an approval if, in its opinion–

(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 the solemnisation of civil marriages; or

(c) the place does not fulfil any other reasonable requirements which the authority considers appropriate to ensure that the facilities provided at the place are suitable.

(3) The authority shall not grant an approval without–

(a) having regard to the guidance issued by the Registrar General under regulation 19; and

(b) taking account of any objections in respect of the application which have been made in accordance with regulation 6.

(4) The authority shall not grant a period approval if, in its opinion, the applicant is not a fit and proper person.

Conditions attached to approvals

8. In granting an approval the authority–

(a) shall attach to a period approval the standard conditions contained in the Schedule; and

(b) may attach to a temporary approval such conditions, and to a period approval such further conditions, as it considers reasonable in order to ensure that the facilities provided at the place are suitable.

Notification of decisions

9.—(1) The authority shall, within 7 days of its decision, notify the applicant in writing of that decision including any conditions attached to an approval under regulation 8.

(2) If an application for an approval is refused, or if any conditions are attached under regulation 8(b), the authority shall include with the notification under paragraph (1)–

(a) the reasons for its decision; and

(b) details of the right of appeal to the sheriff against that decision under section 18A of the Act.

(3) The authority shall, at the same time as it notifies the applicant under paragraph (1), send a copy of any approval to the district registrar for the registration district in which the approved place is situated.

Restriction on successive applications

10. Where the authority has refused an application for an approval it shall not, within one year of that refusal, consider a subsequent application for the same kind of approval in respect of the same place unless, in its opinion, there has been a material change of circumstances.

Duration of approvals

11.—(1) Subject to regulations 12(3), 15 and 16, a period approval shall be valid from the date it is granted for a period of three years, or such lesser period as the authority may determine.

(2) Subject to regulations 15 and 16, a temporary approval shall be valid only for the date stated in that temporary approval unless the authority, on the request of the applicant in writing, agrees to amend the stated date.

Renewal of period approvals

12.—(1) An application for renewal of a period approval may be made by the approval holder.

(2) Regulations 3 and 5 to 11 shall apply to an application to renew a period approval as they apply to an application for a period approval and as though any reference in them–

(a) to an applicant were to an applicant for renewal; and

(b) to a grant of a period approval were to a renewal of a period approval.