*Draft Regulations laid before Parliament under section 44D(8) of the Marriage Act 1949, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2014 No.

# REGISTRATION OF BIRTHS, DEATHS, MARRIAGES, ETC., ENGLAND AND WALES

## The Marriage of Same Sex Couples (Registration of Shared Buildings) Regulations 2014

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| *Made - - - -* | *** |
| *Coming into force - - -* | *13th March 2014* |

A draft of these Regulations was laid before and approved by a resolution of each House of Parliament in accordance with section 44D(8) of the Marriage Act 1949(**1**).

The Secretary of State, in exercise of the powers conferred by sections 44B(7), 44C(1) and (2), and 44D(2) to 44D(5) of the Marriage Act 1949(**2**), makes the following Regulations:

### Citation and commencement

**1.** These Regulations may be cited as the Marriage of Same Sex Couples (Registration of Shared Buildings) Regulations 2014 and come into force on 13th March 2014.

### Interpretation

**2.** In these Regulations, unless the context otherwise requires—

"the 1949 Act" means the Marriage Act 1949;

"the 1969 Act" means the Sharing of Church Buildings Act 1969(**3**);

"consent to marriages of same sex couples" means consent given, under section 26A(3) of the 1949 Act, by a relevant governing authority of a sharing church;

"registration" means registration of a building under section 43A of the 1949 Act;

"relevant superintendent registrar" means the superintendent registrar of the registration district in which the building which is, or is to be, registered is situated;

(**1**) 1949 c.76; section 44D was inserted by paragraph 3 of Schedule 1 to the Marriage (Same Sex Couples) Act 2013 c.30.
(**2**) Sections 44A to 44D were inserted by paragraph 3 of Schedule 1 to the Marriage (Same Sex Couples) Act 2013.
(**3**) 1969 c.38.

"sharing church" means one of the sharing churches.

**Buildings subject to the 1969 Act: cancellation application process**

**3.**—(1) This regulation supplements section 44B of the 1949 Act and applies where a cancellation application is made by a relevant governing authority.

(2) A relevant governing authority of a sharing church may not make a cancellation application unless that church has been a party to a sharing agreement or used the building as mentioned in section 6(4) of the 1969 Act for a period of not less than two years ending with the date on which the application is made.

(3) The relevant governing authority must, not less than three months prior to the date on which the cancellation application is made, send a written notice to the proprietor or trustee of the building —

(a) stating the intention to make the application and when it is proposed to make it; and

(b) providing a copy of the proposed application.

(4) The application may not be made if the proprietor or trustee of the building has, before the end of the period of three months beginning with the date of the receipt of the notice referred to in paragraph (3), sent a written notice to the applicants objecting to the application because either or both of the following is disputed—

(a) that the applicants are a relevant governing authority of the sharing church;

(b) that the sharing church has been a party to a sharing agreement or used the building as mentioned in section 6(4) of the 1969 Act for a period of not less than two years ending with the date when the application is made.

(5) The relevant governing authority must when it makes the application—

(a) send the notice mentioned in paragraph (3) to the superintendent registrar with the application; and

(b) send a copy of the application to the proprietor or trustee of the building.

(6) The superintendent registrar must (in addition to forwarding the application in accordance with section 43C(3)(**4**) of the 1949 Act) send a copy of the notice mentioned in paragraph (3) to the Registrar General.

(7) The Registrar General must not cancel the registration before the end of the period of nine months beginning with the date on which the cancellation application is received by the superintendent registrar.

**Other shared places of worship: registration application process**

**4.**—(1) This regulation applies to registration applications relating to other shared places of worship.

(2) Such a registration application must be made in accordance with section 43A(**5**) of the 1949 Act (as read with section 26A(3)(**6**) of the 1949 Act).

(3) But those provisions have effect subject to the following provisions of this regulation.

(4) Each of the sharing churches is a relevant religious organisation for the purposes of section 26A(4) of the 1949 Act.

(**4**) Section 43C was inserted by paragraph 2 of Schedule 1 to the Marriage (Same Sex Couples) Act 2013.
(**5**) Section 43A was inserted by paragraph 2 of Schedule 1 to the Marriage (Same Sex Couples) Act 2013.
(**6**) Section 26A was inserted by section 4 of the Marriage (Same Sex Couples) Act 2013.

(5) A consent to marriages of same sex couples given by the relevant governing authority of any of the sharing churches is sufficient for the registration application to be made in compliance with section 26A(3) of the 1949 Act (and references to the consent of the relevant governing authority in section 43A of the 1949 Act are to be read accordingly).

(6) But the registration application may not be made unless the relevant governing authorities of each of the qualifying sharing churches (other than those which have given consents to marriages of same sex couples) have given a separate written consent to the use of the other shared place of worship for the solemnization of marriages of same sex couples (a "consent to use").

(7) The registration application must also be accompanied by—

(a) a certificate, given by the applicant and dated not more than one month before the making of the application, that the relevant governing authorities mentioned in paragraph (6) have given written consents to use, and

(b) copies of the consents to use and, in addition to the consent required by section 43A(3) of the 1949 Act, any additional consents to marriages of same sex couples under section 26A(3) of the 1949 Act given by the relevant governing authority of any of the sharing churches.

(8) The superintendent registrar must also send to the Registrar General—

(a) the certificate, and

(b) the copies of those consents

which accompany the application in accordance with paragraph (7).

(9) The Registrar General must not register the other shared place of worship unless and until paragraph (8) and the requirements of section 43A of the 1949 Act have been complied with.

(10) A qualifying sharing church for the purposes of paragraph (6) is a sharing church—

(a) on whose behalf a trustee holds the other shared place of worship on trust; or

(b) that has used the other shared place of worship for public religious worship on two or more occasions (each of which has lasted for not less than 30 minutes) in—

(i) each calendar month of the six calendar month period ending immediately prior to the beginning of the month in which the certificate mentioned at paragraph (7)(a) is given; or

(ii) nine of the calendar months in the period of 12 calendar months ending immediately prior to the beginning of the month in which the certificate mentioned at paragraph (7)(a) is given.

**Other shared places of worship: cancellation application process**

**5.**—(1) This regulation applies to cancellation applications relating to other shared places of worship registered under section 43A of the 1949 Act in accordance with regulation 4 above.

(2) Such a cancellation application must be made in accordance with section 43C of the 1949 Act.

(3) But section 43C of the 1949 Act has effect subject to the following provisions of these Regulations.

(4) The cancellation application may be made either—

(a) by a proprietor or trustee of the other shared place of worship; or

(b) by the relevant governing authority of any qualifying sharing church which shares use of the other shared place of worship.

(5) For that purpose, in relation to a qualifying sharing church and subject to regulations 6 and 7, "relevant governing authority" means the person or persons recognised by the members of the

qualifying sharing churches as competent for the purpose of making an application in accordance with this regulation.

(6) In relation to a cancellation application by a relevant governing authority—

(a) the relevant governing authority must, not less than three months prior to the date on which the cancellation application is made, send a written notice to the proprietor or trustee of the other shared place of worship—

(i) stating the intention to make the application and when it is proposed to make it; and

(ii) providing a copy of the proposed application;

(b) the application may not be made if the proprietor or trustee of the building has before the end of the period of three months beginning with the date of receipt of the notice sent under sub-paragraph (a) sent a written notice to the applicants objecting to the application because it disputes that the applicants are the relevant governing authority of a qualifying sharing church;

(c) the application must be accompanied by a certificate, given by the relevant governing authority making the application, that—

(i) they are the relevant governing authority of one of the qualifying sharing churches;

(ii) the notice mentioned at sub-paragraph (a) was sent to the proprietor or trustee not less than three months prior to the date of the certificate; and

(iii) the proprietor or trustee has not sent a notice under sub-paragraph (b) objecting to the application;

(d) the application must be accompanied by a copy of the notice mentioned in sub-paragraph (a);

(e) a copy of the application (and the accompanying certificate and notice) must be sent to the proprietor or trustee when the application is sent to the superintendent registrar.

(7) The superintendent registrar must (in addition to forwarding the application in accordance with section 43C(3) of the 1949 Act) send a copy of the certificate mentioned in paragraph (6)(c) and the notice mentioned in paragraph (6)(a) to the Registrar General.

(8) The Registrar General must not cancel the registration before the end of the period of nine months beginning with the date of on which the cancellation application is received by the superintendent registrar.

(9) A qualifying sharing church for the purposes of this regulation is a sharing church—

(a) on whose behalf a trustee holds the other shared place of worship on trust; or

(b) that has used the other shared place of worship for public religious worship—

(i) for a period of not less than two years prior to the date on which the application is made; and

(ii) on two or more occasions (each of which has lasted for not less than 30 minutes) in—

(aa) each calendar month of the six calendar month period ending immediately prior to the beginning of the month in which the notice mentioned at paragraphs (6)(a) given; or

(bb) nine of the calendar months in the period of 12 calendar months ending immediately prior to the beginning of the month in which the notice mentioned at paragraphs (6)(a) is given.