



Location, Location, Location: 'in the grounds' as a wedding venue

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TRANSCRIPT

Up until 1994 civil weddings took place in Register Offices which served the place of residence of the couples wishing to get married. The Marriage Act 1994 widened the range of venues that could be used by couples to include, under s2, Register Offices where neither party resides in that district and then more radically under s1 it introduced the solemnization of marriages on premises approved by local authorities. The Marriage (Approved Premises) Regulations of 1995 followed which stipulated clear rules which were intended to ensure that these premises provided a '*seemly and dignified venue for the solemnization of marriage*' which has since been extended to the registration of civil partnerships, which again require the premises not to compromise '*the solemnity of the occasion*'. The introduction of these 'approved premises' meant that according to Cretney '*a huge business developed whereby the owners of hotels, stately homes and other venues- ranging from football grounds to decommissioned warships...; and it is clear that the legislation has met a previously unsatisfied demand*'. In fact, in 2015 the Law Commission noted that by 2012, 60% of weddings took place in these approved premises.

For the purposes of the Marriage (Approved Premises) Regulations 1995 premises means a permanently immovable structure comprising at least a room or any boat or other vessel which is permanently moored, and subsequent sample local authority guidance suggests that any premises outside this definition, such as the open air, a tent, marquee or any other temporary structure and most forms of transport, would not be eligible for approval. Part of the Law Commission's Weddings Project has been to explore what is seen as a current problem which is how and where marriages can take place is tightly regulated. The Law Commission has considered whether weddings can happen outside with a key focus on removing regulations which are regarded as unduly restrictive. At the same time, in response to the Covid-19 pandemic, the Government laid a statutory instrument to give couples more choice in the setting of their wedding or civil partnership which included being able to marry in proceedings held outside, in the grounds of buildings which have been approved for civil ceremonies. This limitation to the 'grounds of the building' was to ensure approval could easily be extended but also once again to ensure the dignity and solemnity of the occasion was preserved. At the time, the Lord Chancellor noted that this change would respond to important public health considerations, but it would also support the marriage sector by extending the choice available to couples who may wish to have larger ceremonies. This change was originally temporary and due to end on 5th April 2022.

In response in December 2021 the government launched a consultation to seek views on proposals to continue to permit outdoor civil marriages and civil partnerships on approved premises. The published response noted that 96% of respondents believed that the current provision for outdoor marriages and civil partnerships within the grounds of

approved premises should continue. The reasons given for this overwhelming support included giving couples more flexibility and choice and the feeling that everyone felt safer, considering the Covid 19 pandemic, by having ceremonies outside. There were some minor concerns raised about the need to ensure ceremonies remain dignified and some respondents were keen to ensure that the definition of indoors and outdoors was clear for the purposes of any legal changes moving forward.

As a result of this overwhelmingly positive response the Government laid the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2022 before Parliament. This legalises outdoor civil weddings and partnerships in approved premises and under Reg 3(2) The definition of 'premises' is amended to include the 'built premises' together with 'linked outdoor areas'. The existing definition of built premises remains as was and 'linked outdoor areas' are defined as '*any areas within the boundary of the land of which the built premises form part, which are not built premises, and which may be used in common with the built premises.*' These Regulations came into force on 6th April 2022.

Cretney observes that back in 1990 '*there was an underlying belief in exposing public services to the pressure of consumer demand, competition and market forces; and this led the Government to propose giving the public a greater choice of marriage ceremony.*' By 2022 the Justice Minister again reinforces that with these reforms couples should have a greater choice in how they celebrate their special day, as well as noting that these reforms will enable the wedding sector to recover from the impact of the pandemic. Attention now shifts to the parallel work that is being undertaken to consider and reform the existing legal framework which governs the conduct of religious ceremonies for the purposes of marriage. If this current development is anything to go by then further change is likely, if only to maximise the choice available for couples moving forward. When couples consider the location for their special day the options will be greater than ever before.

Perhaps as a coda, it is worth noting, that one theme of the consultation responses was reference to the British weather. References to this weather being 'inclement', 'bad' and 'uncertain' may mean that getting married outside proves to be not quite as popular as originally envisaged. It maybe that the prospect of participants and guests drenched by the wet weather, as a result of couples choosing to locate the event in the great outdoors, may not preserve the dignity and solemnity expected of that special day. We shall wait and see.

Thank you!