

Appendix 1

STATUTORY PROPER OFFICER BIRTHS DEATHS AND MARRIAGES AND DELEGATION OF FUNCTIONS UNDER THE MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005

Background

1. The Registration Service Act 1953 requires the appointment of a proper officer to carry out functions under the Act, including exercising powers under a local registration scheme. The proper officer for these purposes also has responsibilities under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 which govern the process for the approval of premises for the solemnization of marriages and the formation of civil partnerships.
2. The function of approval of premises under the 2005 Regulations does not necessarily have to be delegated to the proper officer for births, marriages and deaths. However, Regulation 3(4)(b) requires that if the functions of the authority have not been delegated to the proper officer, the authority must seek and have regard to his recommendation in relation to the application. It therefore appears logical to delegate the function of approval to the proper officer.
3. Following the Senior Management restructure the Head of Customer Strategy and Programmes has responsibility for the Registration and Nationality Service and the role as Proper Officer Birth, Deaths and Marriage. The role of Proper Officer Births, Deaths and Marriages is a Statutory Proper Officer, which is appointed by Council.

RECOMMEND–

- 1) That Council is asked to confirm the Head of Customer Strategy and Programmes as statutory proper officer births, marriages and deaths.**
- 2) Council is asked to delegate its functions in relation to approving premises for marriages and the formation of civil partnerships under the Marriage Act 1949 and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 to the statutory proper officer births, marriages and deaths.**