

## K3: Registry service

### Failure to renew premises licence for wedding venue – uncertainty over whether couples were legally married

#### The complaint

A council failed to renew a marriage premises licence, leaving 193 couples uncertain about whether they were married or not. Thirteen couples complained to the Ombudsman about the council's failure to renew the licence. They said this caused them unnecessary distress and they were uncertain for some time as to their legal status.

#### Legal background

Under the Marriage Act 1949 a local authority must approve premises where marriages are solemnised. The Act states that marriages shall be void if anyone knowingly and wilfully marries on any premises that, at the time the marriage is solemnised, are not approved premises.

#### What happened

Due to an oversight in renewing the approved premises licence for council-owned wedding rooms, doubt was cast on the validity of the marriages of 193 couples. The licence should have been renewed in October 2004 but it was not until March 2005 that registration officers discovered that the licence had expired. Nearly 200 marriages had taken place in the meantime. The council was informed immediately and a new licence was granted before the end of April 2005.

The council obtained legal advice stating that, as no-one involved in any of the marriages knew that the premises did not have a licence, the marriages were valid. It therefore decided that no further action was necessary, other than putting in place procedures to ensure the same error did not happen again.

A number of people, however, did not consider this was sufficient to say that the marriages were legal and they commenced legal action for a declaration to this effect. The High Court found that they were legally married and always had been.

#### Outcome

The Ombudsman agreed that the couples had suffered the distress and uncertainty of having doubt cast on the validity of their marriages. The council's error "meant that for some of these couples' memories of their wedding day were anything but happy," he said in his report.

The council agreed to implement the Ombudsman's recommendation that it pay compensation of £150 to each couple, not just those who complained to the Ombudsman, a total of nearly £30,000.

*(Report 05/A/17135 et al)*