

CLAS CIRCULAR 2019/10 (3 July 2019)

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It would be very helpful if members could let us know of anything that appears to indicate developments of policy or practice on the part of Government or other matters of general concern that should be pursued.

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FAITH & SOCIETY

Assistance with child burial and cremation costs in England

For information

The Government has announced that the Children's Funeral Fund in England will come into operation on 23 July 2019. The Fund will reduce the financial burden for families by reimbursing funeral costs directly to burial authorities, cremation authorities and funeral directors. It is estimated that 3,800 children die under the age of 18 in England every year and there are a further 2,700 stillbirths.

Under the fund arrangements, no bereaved family will have to pay the fees for a child's cremation or burial or for a number of prescribed associated expenses. The fund provides for burial authorities and cremation authorities to apply directly to the Government for the reimbursement of the fees which would otherwise be charged for the provision of the burial or cremation of an eligible child. It also provides for funeral directors to apply for reimbursement of certain associated expenses, including a £300 contribution towards the cost of a coffin. If the person responsible for organising the burial or cremation makes the funeral arrangements rather than using a funeral director, he or she will be able to claim for those expenses directly from the Fund.

The only conditions imposed by the scheme are that the child is under 18 at the time of death or stillborn after the 24th week of pregnancy and that the burial or cremation takes place in England. The scheme is not means-tested, and the residency or nationality of the deceased child, or of the person organising the burial or cremation, will not be relevant in determining eligibility.

The Welsh Government and the Scottish Government have both established schemes under devolved powers to make financial support available to providers of burial and cremation for children.

The Church of England does not charge funeral fees for children under 16: see Canon B2(i) (Funerals & Burials): "No fee is payable in respect of a burial of a still-born infant, or for the funeral or burial of a person dying within sixteen years after birth". (The Church in Wales does not charge any fee in respect of the burial of a still-born infant or child under the age of 18.)

[Source: HM Government – 30 June]

Dissolution and Separation Bill

For information

On 13 June, the Government introducing the [Divorce, Dissolution and Separation Bill](#) in the House of Commons. The Explanatory Notes are [here](#).

The Bill will reform the law on divorce in England and Wales by replacing the current requirement to prove spousal (mis)conduct or that the couple has been separated for at least two years with the requirement to file a statement of irretrievable breakdown of the marriage or civil partnership. It will introduce a new minimum period of twenty weeks between the start of proceedings and confirmation to the court that the conditional order should be made. This will make the period before the conditional order is granted longer for most people, and so allow better opportunity for reflecting on the decision to divorce and, where this is inevitable, agreeing practical arrangements for the future. The Bill was [read a second time](#) on 25 June and has been referred to a Public Bill Committee.

[Source: CLAS – 2 July]

Law Commission: wedding law in England & Wales

For information and possibly for action

The Law Commission for England & Wales has announced that it has agreed with the Government on the [Terms of Reference](#) for its project on wedding law. The project, first revealed by Government in the 2018 Budget, follows on from the Commission's 2015 Scoping Paper in which it outlined a range of problems with the current law which, in England and Wales, largely dates from 1836.

The project will:

- consider where a wedding should be able to take place;
- consider how to remove unnecessary “red tape” which can hamper choice and increase the cost of wedding venues;
- aim to ensure that the law works for all couples and all faiths, including those who are not as well served by the current buildings-based system; and
- seek to make the law simpler and more certain, so that it is clear whether or not a couple's marriage is legally valid.

The remit for the project includes developing a scheme that would allow non-religious belief groups such as humanists, and independent celebrants, to celebrate weddings, enabling Government to widen the routes to legally binding ceremonies should it chooses to do so.

The Commission's recommendations will be based on five principles:

- certainty and simplicity;
- fairness and equality;
- protecting the state's interest;
- respecting individuals' wishes and beliefs; and
- removing any unnecessary regulation of venues which can hamper choice and increase the cost for couples.

The Commission will consider:

- the legal preliminaries that should be required prior to a wedding;
- where weddings should be able to take place, considering, for example, weddings outdoors, at sea and on military sites, with a view to removing restrictive regulations;
- who should be able to solemnize a marriage, including considering how a scheme could include weddings conducted by non-religious belief organisations and independent celebrants;
- whether specific vows should be required during a ceremony;
- how marriages should be registered; and
- what the consequences should be for couples who do not comply with any requirements.

The Commission will *not* be making recommendations on whether, as a matter of policy, new groups should be allowed to conduct legally-binding weddings – which it regards as a decision for the Government.

The review will *not* consider:

- who is eligible to enter into marriage;
- the question of whether or not religious groups should be obliged to solemnize marriages of same sex couples;
- the rights or responsibilities which marriage creates, such as the financial entitlements of surviving spouses or the consequences of divorce;

- the Church of England's and the Church in Wales's common law duty to conduct marriage ceremonies for their parishioners;
- the grounds on which a marriage can be void or voidable other than those grounds that relate to a failure to comply with the required formalities;
- the law of divorce, including the issues that can arise when a civil divorce has been granted but a religious one has not;
- how the law deals with marriages that have taken place in other jurisdictions; and
- ancillary wedding services unrelated to the law governing how and where people can legally marry, such as flowers and catering, including any cost or choice difficulties for consumers in relation to those services.

CLAS made a brief submission to the consultation that informed the Commission's 2015 Scoping Paper. No doubt individual members will be making their own submissions, once an invitation has been issued; however, it is possibly that CLAS will also make a response on matters of general principle.

[Source: Law Commission – 1 July]

FUNDING

Rural Community Energy Fund

For information **and possibly for action**

The Rural Community Energy Fund is a £10 million programme which supports rural communities in England to develop renewable energy projects, which provide economic and social benefits to the community.

The Government is encouraging new community projects across England to apply for feasibility grants of up to £40,000 for green initiatives, including solar battery storage and wind, hydro and geothermal heat projects. Viable proposals will also be considered for further grants of up to £100,000 for business development and planning applications. The grants are aimed at organisations such as rural sports clubs, rural schools **and churches**.

[Source: DBEIS – 19 June]

PROPERTY & PLANNING

Home Office call for evidence of Fire Safety Order

For information **and possibly for action**

The Home Office has published a [call for evidence](#) on the operation of the [Regulatory Reform \(Fire Safety\) Order 2005](#), which regulates fire precautions in non-domestic premises. The call for evidence is intended to complement the Government's consultation, [Building a Safer Future: Proposals for reform in the building safety regulatory system](#). Both the consultation and call for evidence are part of the Government's programme of work to reform the Building Regulations and fire safety system.

The consultation closes **31 July**.

[Source: Home Office – 6 June]

SCOTLAND

Scottish Government: response to consultation on civil partnership

For information

The Scottish Government has [announced](#) that it will bring forward a Bill in the autumn to make civil partnership available to opposite-sex couples, after consulting last September on whether to ban further civil partnerships or open them up to opposite-sex couples. After considering the comments made by consultees, Ministers have decided that making civil partnerships available to all would be the best way to remove the current ECHR incompatibility from the law in Scotland.

[Source: Scottish Government – 25 June]

Scottish Government: Families and Communities Fund

For information

The Scottish Government has [launched](#) the Families and Communities Fund, which will run from April 2020 to March 2023. Up to £16m will be made available each year for registered Scottish charities that deliver work "of national significance". An applicant charity must be a company limited by guarantee or a SCIO. The fund will support the delivery of activities which contribute to improved outcomes for children, young people and their families through:

- delivery of prevention and early intervention;
- providing parenting and family support;
- supporting development of and maintaining positive healthy relationships;
- contributing to positive and sustained support for children and young people to achieve their potential under the [Getting it right for every child wellbeing indicators](#) (safe, healthy, achieving, nurtured, active, respected, responsible, included); and,
- preventing adverse childhood experiences and providing trauma-informed support to people affected.

Applications must be received by **2pm on 24 September 2019**. You can apply online [here](#).

[Source: Scottish Government – 5 June]

TAXATION

Making Tax Digital update: preparing for your first MTD VAT return

**For action if you have to make a VAT
return**

HMRC has [reminded](#) organisations mandated to start MTD from April 2019 that their April to June Making Tax Digital VAT returns need to be sent to HMRC by 7 August. HMRC reports that there have been 325,000 registrations and 180,000 VAT submissions received so far, suggesting that there is a large number of taxpayers still to register.

Charities that are in this position (not all, as many are deferred) are reminded that they should not leave it too late to register for MTD, particularly when direct debit details need to be switched.

You will also need your Unique Taxpayer Reference (UTR), so make sure that you know this information, particularly if you have only just registered with HMRC (and you should note that there can be a delay in posting this information).

[Source: HMRC – 19 June]