

## CLAS CIRCULAR 2020/2 (20 January 2020)

### Disclaimer

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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

### Gambling and credit cards

For information

The Gambling Commission has [announced](#) a ban (from April 2020) on gambling businesses allowing consumers in Great Britain to use credit cards to gamble. The ban will not extend to non-remote lotteries (where payment is made face-to face) or National Lottery and society lottery tickets, and scratchcards bought in supermarkets and newsagents as part of a wider shopping basket.

[Source: Gambling Commission website, 14 January]

### Humanist weddings?

For information

On 9 January, Baroness Meacher introduced the [Marriage \(Approved Organisations\) Bill](#) in the House of Lords. In short, the Bill, if enacted, would amend the Marriage Act 1949 by inserting a new section 47A as follows—

**“47A Marriages according to the usages of authorised belief organisations**

- (1) An authorised belief organisation may solemnise marriages according to its usages provided that no religious service may be used at such marriages.
- (2) For the purposes of subsection (1), the British Humanist Association is an authorised belief organisation.
- (3) The Secretary of State may, by regulations made by statutory instrument, authorise further belief organisations for the purposes of subsection (1).
- (4) Upon authorisation, a belief organisation shall designate an officer of the organisation (“the principal officer”) to appoint persons for stated periods of time to act as registering officers on behalf of the organisation, and may impose such conditions as seem to him or her to be desirable relative to the conduct of marriages by the organisation and to the safe custody of marriage register books...”

The remainder of the inserted section goes on to make detailed provision about such matters as appointment of registering officers and certification.

Humanists UK [points out](#) that humanist wedding ceremonies have been recognised in Scotland since 2005: there were over 6,000 humanist weddings in 2018, amounting to about 20 per cent of the total.

Humanist wedding ceremonies became legal in Northern Ireland after the Court of Appeal held in *Smyth, Re Application for Judicial Review* [2018] NICA 25 that the statutory prohibition on humanist weddings constituted discrimination contrary to Articles 9 and 14 ECHR.

However, the Law Commission is about to launch its project on [wedding law](#) – which is still at the pre-consultation stage. Whether, in the circumstances, the Government will want to see Baroness Meacher's Bill making progress is not clear: ministers may prefer to deal with the more general reform of wedding law in England and Wales as a package, rather than piecemeal.

[Source: Parliament website, 14 January]

### Marriage registration

For information

The House of Commons Library has published a research briefing – helpful as always – on [Mothers' details on marriage certificates](#). Critically, it concludes with the reminder that:

'The detail of the new marriage registration scheme will be set out in regulations which have not yet been published. *The timing of the regulations is not yet known.*

The regulations will be subject to the affirmative resolution procedure, meaning that they require the approval of both Houses of Parliament to become law.'

[Source: House of Commons Library, 15 January]

### New Second Church Estates Commissioner

For information

On 10 January, it was [announced](#) that the Queen had approved the appointment of Andrew Selous MP as Second Church Estates Commissioner. He has been a Member for South West Bedfordshire since 2001.

While – obviously – the position of Second Church Estates Commissioner is primarily of concern to the Church of England, successive holders of the office in recent years have tended to see themselves as bearing a wider responsibility for representing 'religion' in the Commons and his immediate predecessors, Sir Tony Baldry and Dame Caroline Spelman, were good friends to CLAS.

[Source: 10 Downing Street, 10 January]

**Security of places of worship (Parliamentary Question)**

For information

Gareth Thomas MP [asked](#) the Home Office: 'how much financial assistance she has made available to improve security for people attending (a) Hindu Temples, (b) Synagogues, (c) Churches, (d) Mosques, (e) Gurdwaras and (f) other places of worship in the 2019-20 financial year; and if she will make a statement. [1266]'

Victoria Atkins MP replied that: 'The Home Office are finalising decisions on funding for the 2019-2020 Places of Worship Protective Security Funding Scheme and will notify successful applicants shortly.

'Over the first three years, we have awarded 134 grants (45 in Round 3 of the scheme) worth approximately £1.5m to places of worship across England and Wales - with 63 to churches, 49 to mosques, 5 to Hindu temples and 17 to Gurdwaras. We use an Independent Advisory Panel made up of representatives of faith communities to recommend which bids should be funded.

'Synagogues are covered by the Jewish Community Protective Security Grant. In 2019-2020 a grant of £14 million was provided, mainly to fund security guarding at all Jewish schools, nurseries and some synagogues.'

[Source: Parliament, 16 January]

## NORTHERN IRELAND

### Same-sex marriage and opposite-sex civil partnership

For information

On 13 January, civil marriage between same-sex couples and civil partnerships for opposite-sex couples became lawful in Northern Ireland. From that date, couples have been able to give notice to the General Register Office for Northern Ireland of their intention to form a civil same-sex marriage or an opposite-sex civil partnership. The minimum period of notice is usually 28 days.

The background [policy paper](#), published on 22 October, said that:

'The UK Government plans to publish a consultation on religious same-sex marriage with the intention of making regulations to enable religious same sex marriage in Northern Ireland in 2020. We think it is right that religious organisations, faith groups and individuals are able to give their views on same sex couples marrying in religious ceremonies, just as they did in England, Wales and Scotland. This means that there will be a short delay before we introduce religious same-sex marriage in Northern Ireland for those religious organisations that choose to do so.

We also intend to consult on the right to convert a civil partnership to marriage (and vice versa).'

But that was before the re-establishment of the Northern Ireland Executive, and marriage law is a devolved matter. Presumably the Executive will now publish a consultation on religious same-sex marriage – but we'll see.

[Source: BBC News, 13 January]

## PROPERTY & PLANNING

### The Taylor Review pilot

For information

DCMS has [announced](#) that the Taylor Review pilot scheme, a £1.8 million scheme to help listed places of worship, has provided grants towards repairs at 54 historic buildings between September 2018 and March 2019. The full interim report can be read [here](#), but the following is a summary of the findings:

- The overall level of engagement with the pilot of places of worship differed between the two pilot areas. In Suffolk, 197 listed places of worship (37%) either made enquiries to, or were contacted by, the pilot team. This compares with 97 listed places of worship (29%) in Greater Manchester. The relatively higher number of total engagements in Suffolk is likely to reflect the different levels of awareness of the pilot in the two area (the Diocese of St Edmundsbury and Ipswich raised awareness of the pilot in Suffolk but there was less awareness-raising in Manchester). While this raised awareness in Suffolk, it also restricted the amount of work that the pilot team could do because the officers were responding to enquiries. In Manchester, where there were comparatively fewer enquiries, a more targeted approach was undertaken in relation to engaging listed places of worship that were in need.
- All stakeholders interviewed reported valuing the face-to-face interactions they had with the Fabric Support Officers (FSO), particularly in relation to understanding the minor repair works that were needed, how to apply for minor repair grants (the processing of which is supported by the FSOs), the interdependency between minor repairs and major repairs, and developing sustainable multi-year maintenance plans.
- The interviews with Community Development Advisors and stakeholders in Greater Manchester identified some challenges with engaging listed places of worship in an urban area. Four reasons for this were identified:
  1. some places of worship are already very active in their community and so did not see the need for further support, or wished to focus their attention on charitable outreach rather than activities that might raise income for the place of worship;
  2. some places of worship are located near several other community facilities and congregations: in this situation it was felt that further community engagement would prove challenging when faced with this competition;
  3. where there is a high density of places of worship, this can create a challenge in finding a distinctive role for each place of worship in engaging the community; and

4. turnover of volunteers has disrupted progress in building connections with some places of worship for the pilot team.
- Listed places of worship interviewed for the interim evaluation valued the speed with which grants were assessed and approved, with it taking less than three months from meeting the FSO to being awarded grants in some examples.

[Source: DCMS, November 2019 and 13 January 2020]

## TAXATION

### Budgets 2020

For information

In our last Circular we reported that the Treasury had [announced](#) that Budget 2020 will take place on **Wednesday 11 March** and that the [Budget 2020 portal was open](#) for representations until **7 February**.

Separately, the Scottish Government Finance Secretary, Derek Mackay MSP, has [announced](#) that the Scottish Budget will be published on **6 February** – unusually, before the UK budget. The Scottish Government said that it had taken the decision about publication in order to allow local authorities to set their budgets and council tax before the legal deadline of 11 March.

[Source: Charity Tax Group, 14 January]

### Fifth Money Laundering Directive: update

For information

The EU's Fifth Money Laundering Directive was transposed into UK law by the [Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019](#), which came into force on 10 January. There is a policy paper by HMRC on the regulations [here](#), and guidance from the Law Society [here](#).

One issue in the pre-legislation consultation that concerned CLAS was the proposal that trusts that are currently unregistered would be obliged to register in order to comply with the proposed regulations – without any kind of carve-out even for trusts that do not reach the basic £5,000 Charity Commission registration threshold. We submitted a consultation response suggesting that this would be unduly onerous: so far as we are aware, the incidence of small church congregations indulging in international money-laundering is zero.

Common sense appears to have prevailed, at least for the moment. The Law Society's guidance says that 'While there had been indication via the consultation paper that there may be changes to the trust registration regime, these have not been included in this legislation. We anticipate HM Government may seek to implement changes at another time.' Obviously, we shall watch out for any further developments.

[Source: Law Society, 10 January]