

CLAS CIRCULAR 2020/9 (30 March 2020)

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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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CHARITIES AND CHARITY LAW

Charities (Protection and Social Investment) Act 2016 review

For information

DCMS has [published](#) a review of the Charities (Protection and Social Investment) Act 2016 and recommends that the legislation be renewed. The aim of the Act is to:

- Provide new and strengthened powers for the Charity Commission
- Extend the criteria for automatic disqualification from charity trusteeship and apply disqualification to senior management positions
- Strengthen the transparency and accountability of charity fundraising
- Give charity trustees an explicit legal power to make social investments.

[Source: DCMS, 12 March]

EMPLOYMENT AND VOLUNTEERING

Consultation on carer's Leave

For information and possibly for action

BEIS has [published](#) a consultation – closing 3 August – on proposals to give employees a week of unpaid leave each year to provide care. BEIS specifically wants to understand:

- How carers use existing employment rights
- Who should be eligible to take the leave
- What the leave can be taken for
- How the leave would be available to take and the process for taking it
- The costs and benefits to employers and employees.

[Source: BEIS, 16 March]

Neonatal leave and pay consultation response

For information

BEIS has [published](#) its response to its consultation on neonatal leave and pay, as part of the Good Work Plan. As a result of the consultation, BEIS has stated that it will:

- Introduce leave for parents of babies in neonatal care
- Introduce statutory pay for parents of babies in neonatal care
- Legislate to implement the entitlement and the relevant commitments that it is making in the forthcoming Employment Bill.

[Source: BEIS, 16 March]

FAITH & SOCIETY

Divorce, Dissolution and Separation Bill

For information

The [Divorce, Dissolution and Separation Bill](#) has completed all stages in the House of Lords: [Report](#) stage and [Third Reading](#) took place on 24 March. The Bill's First Reading in the Commons took place on 25 March. Its Second Reading has not yet been scheduled.

The Bill, as brought from the Lords, can be read [here](#).

[Source: Parliament website, 25 March]

Faith, Race and Hate Crime Grant scheme 2020 to 2021

For information

MHCLG has [published](#) guidance for the Faith, Race and Hate Crime Grant scheme 2020 to 2021. The scheme is now open for applications from community organisations and charities to carry out projects that meet at least one of the following aims:

1. To promote shared values among people of all backgrounds through sustainable social integration and meaningful civic participation.
2. To effectively tackle and prevent religiously and racially discriminatory behaviour and those acting against others because of their faith or race.

Applications for funding will remain open until 17 April 2020.

[Source: MHCLG, 6 March]

Humanist and non-religious belief marriages: Parliamentary Questions

For information

Rebecca Long Bailey MP asked two questions in the Commons on the topic of marriage: what assessment the Government has made of public support for legal recognition of humanist marriages in England and Wales [25125] and what assessment the Government has made of the 'adequacy of choices available to non-religious couples to have a legally-recognised wedding conducted in line with their own beliefs' [25126]:

Justice Minister Alex Chalk, responded to the first that:

'The Government announced last June that the Law Commission will conduct a fundamental review of the law on how and where people can legally marry in England and Wales. As part of that review, the Government invited the Law Commission to make recommendations about how marriage by humanist and other non-religious belief organisations could be incorporated into a revised or new scheme for all marriages that is simple, fair and consistent.'

On the second, he replied:

'Government consulted in 2014 on marriages by non-religious belief organisations. Assessment of these matters can be found in the Government response at <https://www.gov.uk/government/consultations/marriages-by-non-religious-belief-organisations>.'

Subsequently, she asked why the remit of the Law Commission's review of weddings law includes the legal recognition of humanist marriage [27537], to which Alex Chalk replied that the Government's invitation to the Law Commission 'to make recommendations about how marriage by humanist and other non-religious belief organisations could be incorporated into a revised or new scheme for all marriages that is simple, fair and consistent' was in the Government's original announcement in June 2019.

[Source: Commons *Hansard*, 12 & 18 March]

Pre-paid funeral plans: consultation response

For information

HM Treasury has [published](#) its response on its consultation on pre-paid funeral plans. Responses to the call for evidence have confirmed that consumer detriment is present in the market and that there is a need for compulsory regulation of the sector. In light of the responses to the call for evidence, the

Government has maintained its position that bringing funeral plan providers within the remit of the FCA would be the most effective policy response for strengthening the regulation of the market.

[Source: HM Treasury, 25 August]

Protecting places of worship consultation

For information and possibly for action

The Home Office has [published](#) a consultation – closing 10 May 2020 – on what steps should be taken to provide greater protection from hate crime for places of worship in England and Wales.

Following consultation with religious leaders (more [here](#)) the Home Office states that it has consistently heard that there is an important balance to strike between worshipping openly and without fear, and providing adequate security measures to protect worshippers.

Separately, the Home Office has [announced](#) that 49 places of worship in England and Wales will benefit from £1.6m funding to protect against hate crime, with British mosques being the biggest beneficiaries. In total, 13 churches have received funding this year. The Jewish community receives a separate fund – the Jewish Community Protective Security Grant – which is administered by CST.

[Source: Home Office, 15 March]

HEALTH AND SAFETY

Coronavirus guidance for business and employers

For information

The [UK Government](#), the [Welsh Government](#) and the [Scottish Government](#) have all published guidance for employers and business in relation to the Coronavirus outbreak to assist employers and businesses in providing advice to their staff on:

- The novel coronavirus, COVID-19
- How to help prevent spread of all respiratory infections including COVID-19
- What to do if someone suspected or confirmed to have COVID-19 has been in business settings
- What advice to give to individuals who have travelled to specific areas
- Actions to take if staff come into contact with someone who is self-isolating or is a possible or confirmed case of COVID-19.

[Source: Welsh Gov, 11 March; Scottish Gov, 9 March, Public Health England, 10 March]

Coronavirus latest

For information

CLAS has collated a number of UK Government guidance notes in relation to the Coronavirus outbreak.

- [Guidance for employees, employers and businesses](#) - including the Job Retention Scheme, VAT and Income Tax deferrals, Statutory Sick Pay and more.
- [Coronavirus guidance collection](#)
- [Coronavirus Bill 2019-21](#)
 - [Coronavirus Bill: Managing the Deceased](#)
- Job Retention Scheme: [House of Commons briefing](#)

IMMIGRATION AND NATIONALITY

Simplification of the Immigration Rules

For information

The Home Office has [published](#) its response to the Law Commission's report, with recommendations, on simplifying the immigration rules. The accompanying written statement is available [here](#). Of the Law Commission's 41 recommendations for change, 24 were accepted and 17 partially accepted. The Government hopes to overhaul the rules by January 2021.

The Government states that it will:

- Review the current rules for each route
- Remove inconsistent, overlapping and redundant provisions
- Review cross-cutting themes to clarify and consolidate where possible
- Consider the right balance between prescription and discretion
- Draft new rules in plain English and put them into a simplified structure.

In line with the Law Commission's recommendations, the Government has established a Simplification of the Rules Review Committee to look at the drafting and structure of the Rules. The Committee will ensure the simplification principles put in place now continue to apply in future, while providing ongoing support continuously to improve and adapt the Rules.

The response document also outlines examples of how individuals interact with the visa system, with a 'now' and 'after simplification' comparison.

[Source: Parliament and Home Office, 25 March]

Visas: Ministers of Religion

For information

The Bishop of Southwark [asked](#) the Government 'further to the UK's points-based immigration system: policy statement, published on 19 February, what changes, if any, they plan to make to the existing Tier 2 Minister of Religion Category.'

Baroness Williams of Trafford responded that: 'Under the current Immigration Rules, there are a range of routes for specialist occupations, including Ministers of Religion and temporary religious workers. *There are no current plans to change these routes, though from January 2021, these routes will be opened to EEA citizens'* [emphasis added].

[Source: Lords *Hansard*, 23 March]

ODDS & ENDS

Schools, colleges and early years settings closed

For information

DfE [announced](#) that schools will close for all but the children of [key workers](#) and vulnerable children. Children who are neither vulnerable, nor the child of a key worker, should remain at home. Key workers include:

- Support and teaching staff in school
- **Religious workers**
- Those responsible for the management of the deceased.

Registered early years providers (such as childminders, private schools and sixth forms) should also follow the above guidance. Where possible, DfE encourages schools and early years providers to also look after key workers' children and vulnerable children throughout the Easter holidays.

[Source: DfE, 18 and 19 March]

Vehicle owners granted MOT exemption

For information

The Department for Transport has [announced](#) that vehicle owners will be granted a 6-month exemption from MOT testing. All cars, vans and motorcycles which usually would require an MOT test will be exempted from needing a test from **30 March 2020**.

New regulations will be introduced on 30 March and will come into immediate effect for 12 months, following a short consultation with key organisations. Drivers who need an MOT before that date will still need to get their vehicles tested until the new Regulations are in place.

Vehicles must be kept in a roadworthy condition, and garages will remain open for essential repair work. Drivers can be prosecuted if driving unsafe vehicles.

[Source: DfT, 25 March]

PROPERTY & PLANNING

Churches: metal theft

For information

In answer to a Question from Jim Shannon MP [[29878](#)] on metal theft from churches, the Second Church Estates Commission, Andrew Selous MP, responded that:

‘The Church of England has witnessed a steady increase in metal theft recently. Between 2018 and 2019, reports of thefts were up 25%. The rise is attributed to an increase in international metal prices. Additionally, significant thefts are being co-ordinated by organised criminals working in teams. The Scrap Metal Dealers Act 2013 had great success initially, but further work is necessary to update the law to reflect the organised nature of this crime.

[Source: Commons *Hansard*, 18 March]

Fire Safety Bill

For information

The Fire Safety Bill has been [introduced](#) to Parliament. The bill will amend the Fire Safety Order 2005 to clarify that the responsible person or duty-holder for multi-occupied, residential buildings must manage and reduce the risk of fire for:

- The structure and external walls of the building, including cladding, balconies and windows
- Entrance doors to individual flats that open into common parts.

The Bill will also provide a foundation for secondary legislation to take forward recommendations from the Grenfell Tower Inquiry's phase one report, which stated that building owners and managers of high-rise and multi-occupied residential buildings should be responsible for:

- Regular inspections of lifts and the reporting of results to the local fire and rescue services
- Ensuring that evacuation plans are reviewed and regularly updated and personal evacuation plans are in place for residents whose ability to evacuate may be compromised
- Ensuring that fire safety instructions are provided to residents in a form that they can reasonably be expected to understand

- Ensuring that individual flat entrance doors, where the external walls of the building have unsafe cladding, comply with current standards.

[Source: MHCLG, 19 March]

Historic Buildings: Environment Protection

For information

James Wild MP [asked](#) the Secretary of State for Environment, Food and Rural Affairs: “if he will make it his policy to include heritage buildings and structures in the definition of the natural environment to be used in preparing environmental improvement plans.”

DEFRA Minister Rebecca Pow, replied that: “Our current 25 Year Environment Plan committed us to ‘safeguarding and enhancing the beauty of our natural scenery and improving its environmental value while being sensitive to considerations of its heritage’. We will continue this approach to improving the natural environment, both identifying the mutually positive impacts on the natural and historic environments our policies can have, as well as identifying potential trade-offs between them.” Which looks like a not-unexpected “No”.

[Source: Commons *Hansard*, 9 March]

Proposals for planning policy published

For information

MHCLG has [published](#) the Government's plans for housing and planning following the 2020 Budget:

- An extension of the Affordable Homes Programme with a new, multi-year settlement of £12 billion
- Over £1 billion of allocations from the Housing Infrastructure Fund
- Nearly £650 million of funding to help rough sleepers into permanent accommodation
- Encouraging developers to build upwards and above stations and considering turning disused buildings into homes more quickly
- A map of brownfield sites to make the most of unused land.

[Source: MHCLG, 12 March]

Shared Rural Network

For information

DCMS has [announced](#) that ministers and bosses from mobile network operators will today (9 March) sign a £1 billion deal to improve phone coverage in rural areas. The Shared Rural Network will see EE, O2, Three, and Vodafone invest in a network of new and existing phone masts, overseen by a jointly-owned company called Digital Mobile Spectrum Limited.

The Government claims that it will provide guaranteed coverage to 280,000 premises and 16,000km of roads, as well as expecting indoor coverage to be improved in around 1.2m properties. The Government claims that the deal means all four mobile network operators will deliver 95% combined coverage across the whole of the UK by the end of 2025.

[Source: DCMS, 9 March]

SAFEGUARDING

IICSA: Child Protection in Religious Organisations and Settings investigation suspended

For information

The Independent Inquiry into Child Sexual Abuse has [announced](#) that, following Government advice in relation to Covid-19, it has suspended the remainder of the public hearing in the Child Protection in Religious Organisations and Settings investigation.

The Inquiry is considering how it can reconvene the hearing as soon as possible and will provide an update in due course.

[Source: Independent Inquiry into Child Sexual Abuse, 16 March]

SCOTLAND

Coronavirus update from OSCR

For information

OSCR has [published](#) guidance for charities in relation to the Coronavirus outbreak. The guidance covers specific concerns that charities may face, such as:

- What if I have to cancel my AGM or other key events/meetings?
- What if my charity could do something to help people directly in our community, but our governing document would prevent us from doing so?
- What if the current situation has a negative impact on my charity? Should I be reporting it to OSCR as a notifiable event?

The guidance also provides useful external links.

[Source: OSCR, 13 March]

Law Commission: Aspects of family law – cohabitation

For information **and possibly for action**

The Scottish Law Commission announced a review of aspects of family law in its [Tenth Programme of Law Reform](#) (February 2018): it is expected to take five years to complete.

The first topic to be tackled is Cohabitation, as set out in ss.25 to 28 of the Family Law (Scotland) Act 2006, and a [Discussion Paper on Cohabitation](#) was published on 26 February. The consultation ends on **31 May**. A response form can be downloaded [here](#); the team is particularly keen to hear from cohabitants and their advisors.

The Commission hopes to issue a report on the law relating to cohabitants in early 2021. The lead Commissioner for the project, Kate Dowdells QC, has recorded a brief video, available [here](#), in which she introduces the Discussion Paper, which covers the following issues:

- Should there be separate regimes for financial provision for separating spouses and cohabitants?

-
- How should “cohabitant” be defined?
 - Should the language of sections 26 and 27 of the Family Law (Scotland) Act be updated?
 - What is the purpose of an award for financial provision on cessation of cohabitation under section 28(2)(a) or (b)?
 - Should a wider range of remedies be available?
 - Is the definition of “child” in section 28(2)(b) too narrow?
 - Does the test in section 28(3)-(6), meet the policy aims of certainty, fairness and clarity? If not, how might it be improved?
 - Should resources be taken into account?
 - Should provision be made to take account of cohabitation agreements in reaching decisions on applications by former cohabitants for financial provision?
 - Is the time limit for claims under section 28 too short? If so, should it be extended or should there be judicial discretion to allow late claims?
 - How the remedy of unjustified enrichment interacts with claims under section 28.

The team will be very happy to answer any questions on the Discussion Paper by e-mail to lorraine.stirling@scotlawcom.gov.uk or Kate.dowdalls@scotlawcom.gov.uk.

Given the present situation, the team will also be happy to hold a Zoom or Skype conference with anyone who might have wanted a face-to-face meeting.

[Source: Scottish Law Commission, 26 February]

TAXATION

Business rates: expanded retail discount guidance

For information

MHCLG has [published](#) guidance on the expanded retail discount for business rates, which have been amended to provide 100% business rates relief for all organisations in the leisure, retail and hospitality sectors. **It may be of interest to members to know that “public halls” and “tourist attractions” fall within the Government’s definition of “assembly and leisure”.** Members should consider whether property could be argued to fall under either of those for the purposes of rates relief.

[Source: MHCLG, 18 March]

Business Rates Review: terms of reference

For information

HM Treasury has [published](#) the terms of reference to its forthcoming “fundamental” review of Business Rates. The terms of reference set out the objectives, scope, and governance of the Business Rates Review. It will be followed by a call for evidence in spring 2020, ahead of the review reporting in autumn 2020.

[Source: HM Treasury, 11 March]

Off-payroll working update

For information

The House of Commons Library has [published](#) a briefing that focuses on the debate about the effectiveness of the off-payroll working rules and the wider concerns about the use of employment intermediaries to avoid tax. It then discusses recent developments and their application in the public and private sector.

[Source: House of Commons Library, 6 March]