

CLAS CIRCULAR 2020/26 (13 August 2020)

Disclaimer

CLAS is not qualified to advise on the legal and technical problems of members and does not undertake to do so. Though we take every care to provide a service of high quality, neither CLAS, the Secretary nor the Governors undertakes any liability for any error or omission in the information supplied.

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

Weddings: video conferencing

For information

Rachael Maskell MP [asked](#) the Home Secretary 'whether virtual meetings can take place with the registrar for weddings.' Chris Philp MP replied that 'Meetings to complete the legal preliminaries of giving notice for a marriage or civil partnership **must be conducted in the presence of the relevant registration official and cannot take place virtually.**' [emphasis added]

[Source: Parliament, 10 August]

Registration of Births, Deaths, Marriages and Civil Partnerships

For information

Baroness Blackstone [asked](#) 'what progress they have made on plans to (1) move to an electronic system of marriage registration, (2) add mothers' names to marriage certificates, (3) allow conversions between opposite-sex marriages and civil partnerships, and (4) bring into force reforms to divorce, dissolution, and separation.'

In response, Baroness Williams of Trafford said that:

'The Home Office is currently working on implementation plans to introduce the provisions in the Civil Partnership, Marriages and Deaths (Registration Etc) Act 2019. This will facilitate the move to an electronic system of marriage registration and the update of the marriage entry to include the names of both sets of parents of a couple.

'The Government Equalities Office ran a six-week consultation on the future of conversion rights in summer 2019. We are analysing the responses and will publish the government response and bring forward any necessary legislation in 2020.

'The Divorce, Dissolution and Separation Act received Royal Assent in June. The Government has been clear implementing its reforms will be a significant and complex task. Given the scale of the work needed, we are working to an indicative timetable of Autumn 2021.'

[Source: Parliament, 3 August]

FUNDING

Culture Recovery Fund: update

For information **and possibly for action**

In our last Circular we mentioned the [Culture Recovery Fund for Heritage](#), a Government-funded grant scheme worth £880 million which is part of the £1.57 billion Culture Recovery Fund. This particular fund is primarily for revenue costs.

Becky Clark, Director of Churches and Cathedrals and Secretary to the Church Buildings Council and Cathedrals Fabric Commission for England, has written to Church of England Diocesan Advisory Committees and others about applications to the Fund. We thought that her letter would be of interest beyond the Church of England, and we reproduce it below with her permission:

'[T]his fund is primarily for revenue costs and **applications close on Monday 17 August**. There has been less than three weeks to get applications together.

The enquiries I have had have come from diocesan staff and parishes, and have asked if there is any more information available on the sorts of costs that churches might apply for, and also whether it would be better for parishes to wait and see the details of the capital fund which I mentioned in my last message.

The answer to the latter question is an unequivocal NO. **Please encourage parishes to apply to this revenue fund if they have eligible costs**. Even if they are not 100% certain about what might be considered eligible it is worth getting an application in. It would be the height of folly to wait for a capital fund about which we know nothing and which may well not be open to the sorts of applications parishes might wish to make.

The NLHF is not providing any more detailed guidance on the Fund application process than it already on their website, because of the timetable. However based on detailed reading of the existing guidance and some conversations I have had, I would suggest that the following could well be considered:

- Essential overheads from 1 Oct 2020 to 31 March 21 – insurance, electricity and heating costs, costs of staff (if not covered by furlough or another government scheme), costs of volunteer expenses;
- Costs to help your organisation be more resilient in the future – producing a new or updated business plans, consultant fees to draw up designs for re-orderings to allow greater flexible (socially distanced) use of the space, cost of employing a fundraiser or fundraising consultant, cost of access audits;
- Testing and consulting on new activities e.g. community survey to establish needs;

- Cost of cleaning to allow for additional safe use, including cleaning materials, PPE and sanitizers;
- Potentially IT equipment to allow for streaming of events to enable them to continue (but please note that religious activity cannot be funded so if this equipment was to be used purely for streaming services it would likely not be eligible);
- Maintenance costs and costs of emergency heritage work e.g. stabilising walls in imminent danger of collapse, fixing dangerous boilers, roof leaks.

This list is not exhaustive, but I hope it gives so more ideas. It should be noted that you cannot apply specifically to cover lost revenue costs from the lockdown period. There is a lot more information on the Heritage Fund website which covers other eligibility criteria, which will include looking at heritage significance – so listing grade is important here.

This is not a capital repairs fund, so those elements of any bid should be kept to a minimum – and parishes must remember that all works funded must be carried out before April 2021. If capital costs are included it would be sensible to carefully itemise them so that if they are deemed ineligible for this fund it is obvious to the assessors that that part can be easily removed from the bid without jeopardising the rest.

I hope the above makes sense. I don't have more information than this, but I didn't want churches to potentially miss out because they hadn't understood the full breadth of costs they might be able to apply for, or because they were waiting for a specific capital fund.'

[Source: Cathedrals and Church Buildings Division, NCI, 12 August]

PROPERTY & PLANNING

Proposal to replace the Community Infrastructure Levy

For information **and possibly for action**

The Government recently published a series of planning-related documents, including a White Paper on the Future of Planning and a [consultation](#). Proposals include plans to replace the Community Infrastructure Levy with a consolidated Infrastructure Levy, with current exemptions potentially under review.

Currently, charitable relief is mandatory where a charity owns a material interest and the development is to be used wholly or mainly for its charitable purpose, or of that charity and another charity (or charities).

[Source: MHCLG, 6 August]

WALES

COVID-19: places of worship in Wales

For action

Following the Welsh Government [publishing](#) the latest Regulations, places of worship may now arrange to reopen. In the context of COVID-19, the principal additional legal duty of the 'person' (which can be a body such as a PCC) responsible for the building are set out in Regulation. Gethin Rhys has produced a helpful [briefing paper](#) on the Regulations on the Cytûn website.

[Source: Welsh Government, 7 August]