

## CLAS CIRCULAR 2020/27 (4 September 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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## CHARITIES & CHARITY LAW

### Charity Commission: new version of the online register of charities

For information

The Charity Commission has launched a [new version of the online register of charities](#). Each charity's register entry will now display more clearly whether or not the charity has been subject to regulatory action or is of ongoing concern.

Following changes to the annual return, after an [in-depth consultation](#), charities' entries will now show how many staff members receive pay packages of £60k and above and where trustees are remunerated for their work. It lists the policies that a charity has in place on such matters as safeguarding and conflicts of interest and investments.

[Source: Charity Commission, 3 September]

## EMPLOYMENT

### Kickstart Scheme opens for applications

For information

HM Treasury has [announced](#) that the [Kickstart Scheme](#) is now open for applications, with the first placements expected to begin in November. The Kickstart Scheme is available in England, Scotland and Wales.

The Scheme can be used to create new, 6-month job placements for young people who are currently on Universal Credit and at risk of long-term unemployment. Kickstart is not an apprenticeship, though participants may move on to an apprenticeship at any time during or after their job placement.

Employers can receive funding for 100% of the relevant National Minimum Wage for 25 hours a week, plus associated employer National Insurance contributions and employer minimum automatic enrolment contributions. There is also £1,500 per job placement available for setup costs, support and training. Funding is available following a successful application process, with applications including a minimum of 30 job placements. If charities are unable to offer this many job placements, they can [partner with other organisations](#) to reach the minimum number.

[Source: HM Treasury, 2 September]

## FAITH & SOCIETY

### Guidance for small marriages and civil partnerships

For information

MHCLG has [updated](#) its guidance for small marriages and civil partnerships, to reflect changes in guidance on singing, playing brass and wind instruments in front of an audience, and on holding small wedding receptions.

[Source: MHCLG, 14 August]

### Guidance for the safe use of places of worship, special religious services and gatherings

For information

Similarly, MHCLG has also [updated](#) its guidance for the safe use of places of worship, special religious services and gatherings, to reflect changes in guidance on singing, playing brass and wind instruments in front of an audience, and on holding small wedding receptions.

[Source: MHCLG, 14 August]

### Law Commission consultation on reform of wedding law in England & Wales

For action

The Law Commission of England and Wales has launched its consultation on the reform of wedding law. The consultation paper, [Getting Married: A Consultation Paper on Weddings Law](#), begins from the proposition that 'Weddings law in England and Wales is in desperate need of reform', that most of the current law dates from the 18th and 19th centuries, when virtually everyone lived, married and died within a single community, and when most people shared the same faith and beliefs', and harks back to a way of life that bears little resemblance to modern life in England and Wales.

The Commission points out that, at present:

- Couples have to make a choice between a religious or a civil ceremony, with no option for a ceremony reflecting other beliefs.

- Couples having a Church of England or Church in Wales wedding can give notice to the church but all other couples must give notice at the register office.
- With few exceptions, all couples must have their wedding either in a place of worship or licensed secular venue.
- Couples cannot marry outdoors or even in the garden of a licensed venue.

Further: 'If a couple does not comply with the legal requirements, which may happen with some religious ceremonies, their marriage may not be legally recognised.'

### Terms of Reference

The Terms of Reference agreed between the Law Commission and Government seek to provide recommendations for a reformed law of weddings that allows for greater choice within a simple, fair and consistent legal structure. The review is guided by five principles for reform:

- Certainty and simplicity
- Fairness and equality
- Protecting the state's interest
- Respecting individuals' wishes and beliefs
- Removing any unnecessary regulation, so as to increase the choice and lower the cost of wedding venues for couples.

As part of the project, the Law Commission is considering:

- 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. The Law Commission will not, however, be making recommendations on whether as a matter of policy new groups should be allowed to conduct legally binding weddings.
- Whether specific vows should be required during a ceremony.
- How marriages should be registered.
- What the consequences should be for couples who do not comply with any requirements.

*The issue of limited reform of the law on marriage and religious weddings, based on the recommendations of the Independent Sharia Review, is being taken forward separately from the Law Commission's wider review of the law on marriage ceremonies.*

### **The consultation**

The Consultation Paper's proposals include changes that would:

- Allow weddings to take place outdoors, for example on beaches, in parks, in private gardens and on the grounds of current wedding venues.
- Allow weddings to take place in a wider variety of buildings (for example in private homes) and on cruise ships.
- Offer couples greater flexibility over the form of their wedding ceremonies, enabling them, if they desire, to use a variety of ceremonies (religious and non-religious) to mark their weddings.
- Simplify the process and remove unnecessary red tape to make it fair to couples, more efficient, and easier to follow: for example, couples will be able to complete the initial stage of giving notice of their intended wedding online or by post, rather than having to do so in person.
- Provide a framework that could allow non-religious belief organisations (such as Humanists) and/or independent celebrants to conduct legally binding weddings.
- Ensure that fewer weddings conducted according to religious rites result in a marriage that the law does not recognise at all.

### **How to respond**

The consultation closes on **3 December**. The Commission's preference is for submissions to be made using the [online response form](#) on its website. Alternatively, comments may be sent:

- by e-mail to [weddings@lawcommission.gov.uk](mailto:weddings@lawcommission.gov.uk); or
- by post to Weddings Team, Law Commission, 1st Floor, 52 Queen Anne's Gate, London, SW1H 9AG.

[Source: Law Commission, 3 September]

**Mothers' details on marriage certificates**

**For information**

The House of Commons Library has [published](#) a briefing on proposed changes to allow mothers' details on marriage certifications. The brief provides information about the proposed changes to marriage registration which will enable details of both parents of each of the parties to a marriage to be included on a marriage certificate (and not just fathers' details, as at present)

[Source: House of Commons Library, 20 August]



## FUNDING

### Funding available through the Culture Recovery Fund

For information **and possibly for action**

DCMS has [published](#) a collation of the various funding streams available through the Culture Recovery Fund. Members should view the collation and consider if any of the funds may be of use to them.

[Source: DCMS, 22 August]

## PROPERTY & PLANNING

### Green Homes Grant Scheme update

**For information and possibly for action**

BEIS has [published](#) updates relating to the Government's Green Homes Grant Scheme, which will provide funding for up to two-thirds of the cost of specified energy-saving measures (up to £5000) in the form of new vouchers. Lower income households could be entitled to have as much as £10,000 of the costs covered.

The scheme's [guidance](#) separates improvements into primary measures (wall and floor insulation; and loft, flat roof and room in roof insulation; and low carbon heat measures) and secondary measures (draught proofing, double/triple glazing, secondary glazing, external energy efficient doors (replacing single glazed or solid doors installed before 2002), heating controls, hot water tank thermostats and insulation).

To be eligible to receive a grant on secondary measures, at least one primary measure must be undertaken and the grant value of the secondary measure's is capped at the value of the primary measure. E.g. a homeowner wants to install cavity wall insulation and receives a voucher worth £400 towards the work. They can receive a maximum of £400 more for secondary measures, such as replacing single glazed windows with double glazed windows.

Use the [Simple Energy Advice \(SEA\) website](#) to check what energy efficiency or low carbon heat improvements can be made to a property. To carry out work under the scheme, all tradespeople and businesses will need to be [certified](#) to install energy efficiency or low carbon heat measures to relevant standards and to register their certification with TrustMark.

[Source: BEIS, 28 August]

### Guidance for the safe use of multi-purpose community facilities

**For information**

MHCLG has [updated](#) its guidance for the safe use of multi-purpose community facilities, to reflect changes to restrictions on permitted activities under section 3 and to clarify face covering advice under section 2C.

[Source: MHCLG, 14 August]

**New law meaning renters have a 6-month notice period**

**For information**

Legislation has now been [introduced](#) that (from 29 August) requires landlords to give tenants 6 months' notice before they can evict until March 2021, except in the most serious of cases, such as incidents of anti-social behaviour and domestic abuse perpetrators.

In addition, new court rules have been agreed, which will come into force on 20 September meaning landlords will need to set out in their claim any relevant information about a tenant's circumstances, including information on the effect of the COVID-19 pandemic. Where this information is not provided, judges will have the ability to adjourn proceedings.

[Source: MHCLG, 28 August]

## NORTHERN IRELAND

### Same-sex marriage: Northern Ireland

For information

The [Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020](#) came into force on 1 September. Regulation 2 removes the prohibition on the religious marriage of same-sex couples. The "governing authority" of a religious body may decide to conduct same-sex weddings, but the Regulations provide protections for religious bodies and persons acting on their behalf against being compelled to undertake various actions in connection with the solemnisation of same-sex marriages.

[Source: Parliament, 1 September]

## SCOTLAND

### Programme for Government, 2020/21

For information

The Scottish Government has published its [Programme for Scotland 2020-2021](#), which outlines the actions the Scottish Government will take in the coming year and beyond. It includes the legislative programme for the next parliamentary year.

[Source: Scottish Government, 1 September]

## WALES

### COVID-19: places of worship in Wales

For information

The First Minister has also [confirmed](#) that extended households can now expand to include up to four households and that weddings and funerals will be able to include a meal for up to 30 people, in suitably socially distant settings.

Subject to the successful resumption of weddings and funerals, the Welsh Government hopes to further increase the range of indoor ceremonies allowed in the next review period, including christenings, baptisms and bar mitzvahs.

[Source: Welsh Government, 21 August]