

CLAS CIRCULAR 2021/20 (22 September 2021)

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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CHARITIES & CHARITY LAW

Charity Fraud Awareness Week 2021

For information

The Charity Commission has [announced](#) that Charity Fraud Awareness Week 2021 will take place the week commencing 18 October 2021. The purpose of the week is to raise awareness of fraud and cybercrime affecting the sector and to create a safe space for charities and their supporters to talk about fraud and share good practice.

[Source: Charity Commission, 20 September]

NORTHERN IRELAND

NI Private Tenancies Bill

For information

The Northern Irish Executive has [announced](#) the introduction of the Private Tenancies Bill. The Bill contains a number of proposals, including:

- restricting rent increases to once in a 12 month period;
- extending the notice to quit period a landlord must give a tenant;
- setting limits on tenancy deposit amounts; and
- making it a mandatory requirement for private landlords to provide smoke and carbon monoxide detectors and to carry out periodic electrical checks.

[Source: Northern Ireland Executive, 13 September]

ODDS & ENDS

Call for evidence - Labelling for animal welfare

For information and possibly for action

DEFRA has [published](#) a call for evidence – closing 6 December 2021 – on the impacts of potential animal welfare labelling. For those members whom it may affect, the call for evidence includes the issue of labelling in relation to meat produced from slaughter without pre-stunning.

The call for evidence asks for 'preliminary evidence with regards to how labelling for animal welfare may align with wider labelling reform, including nutrition and eco-labelling'. It specifically asks for information in the following key areas:

- How to define the welfare standards that underpin a labelling system.
- How labelling could be regulated.
- What a label might look like, including views on international examples.
- What products could fall in scope of any labelling reform, and the differential impacts of this.
- How to monitor and enforce labelling for animal welfare.

[Source: DEFRA, 13 September]

DCMS: Data – a new direction

For information

DCMS has launched a [consultation on reforms to the data protection regime](#). It describes its proposals as building on the key elements of the current UK General Data Protection Regulation “to deliver an even better data protection regime” that will:

- support vibrant competition and innovation to drive economic growth;
- maintain high data protection standards without creating unnecessary barriers to responsible data use;
- keep pace with the rapid innovation of data-intensive technologies;

- help innovative businesses of all sizes to use data responsibly without undue uncertainty or risk, both in the UK and internationally; and
- ensure that the Information Commissioner's Office (ICO) is equipped to regulate effectively in an increasingly data-driven world.

The consultation closes on **19 November**. If responding to the questions via post or e-mail, DCMS would be grateful if you could provide the following information, where relevant:

- your name;
- your organisation's name;
- your organisation's details; and
- your e-mail address.

[Source: DCMS, 10 September]

Historic England guidance on metal theft

For information

Historic England has published new guidance on metal theft. The key points of [Theft of Metal from Church Roofs: Replacement Materials](#) are as follows:

- The revised note does not change HE's policy. It seeks to articulate HE's understanding of the emotional, social and financial cost that metal theft imposes on congregations and the reasons why HE does not consider like-for-like replacement of lost lead or copper to be reasonable in most cases. It supports the use of long-lasting appropriate alternatives such as terne-coated stainless steel and explains why HE does not support the use of synthetic plastic-based materials as roof coverings.
- The note aims to give clear information to congregations, Diocesan Advisory Committees and Chancellors, architects, surveyors and local authorities. It focuses on church buildings because they are the primary targets for thieves, but the information is also applicable to other listed buildings and places of worship. The note sets out the difference between emergency coverings, temporary coverings and permanent replacement materials.
- HE's existing advice on [Church Roof Replacement Using Terne-coated Stainless Steel](#) remains current.

[Theft of Metal from Church Roofs: Prevention and Response](#) is intended to offer clarity to congregations responding to the sharp rise in the number, severity and geographical spread of metal thefts since 2017. It sets out the actions that congregations can take to reduce the likelihood and impact of metal theft. They include:

- knowing your building;
- understanding the main heritage crime risks that affect your area;
- undertaking a combination of measures to prevent theft; and
- being aware of the specific security measures required by your insurer to guarantee that you are covered in the event of metal theft.

[Source: Historic England, 10 September]

Ministerial reshuffle (Sept 2021)

For information

The Prime Minister has reshuffled the Government as follows:

Ministry of Justice

- Deputy Prime Minister, Lord Chancellor (paid), and Secretary of State for Justice* – Rt Hon Dominic Raab MP
- Minister of State – Kit Malthouse MP (jointly with the Home Office)**
- Minister of State, and Minister for Afghan resettlement – Victoria Atkins MP
- Parliamentary Under Secretary of State – Tom Pursglove MP (jointly with the Home Office)
- Parliamentary Under Secretary of State* – James Cartlidge MP (and Assistant Government Whip (paid))
- Parliamentary Under Secretary of State – Lord Wolfson of Tredegar QC*

HM Treasury

- Chancellor of the Exchequer – Rt Hon Rishi Sunak MP
- Chief Secretary to the Treasury – Simon Clarke MP**

- Financial Secretary to the Treasury – Rt Hon Lucy Frazer QC MP
- Minister of State – Lord Agnew of Oulton DL (jointly with the Cabinet Office)*
- Minister of State (Economic Secretary to the Treasury) – John Glen MP*
- Exchequer Secretary to the Treasury – Helen Whately MP†

Foreign, Commonwealth and Development Office

- Secretary of State for Foreign and Commonwealth and Development Affairs, and Minister for Women and Equalities – Rt Hon Elizabeth Truss MP
- Minister of State – Rt Hon Amanda Milling MP
- Minister of State – Rt Hon James Cleverly MP
- Minister of State – Rt Hon Lord Goldsmith of Richmond Park (and the Department of Environment, Food and Rural Affairs)*
- Minister of State – Lord Ahmad of Wimbledon
- Parliamentary Under Secretary of State – Vicky Ford MP
- Parliamentary Under Secretary of State – Wendy Morton MP
- Minister of State (Minister for Equalities) – Kemi Badenoch MP (jointly with the Department for Levelling Up, Housing and Communities)
- Parliamentary Under Secretary of State (Minister for Women) – Baroness Stedman–Scott OBE DL (jointly with the Department for Work and Pensions)

Home Office

- Secretary of State for the Home Department – Rt Hon Priti Patel MP
- Minister of State – Kit Malthouse MP (jointly with the Ministry of Justice)**
- Minister of State, Minister for Security and Borders – Rt Hon Damian Hinds MP
- Minister of State – Baroness Williams of Trafford
- Minister of State – Lord Greenhalgh (jointly with the Department for Levelling Up, Housing and Communities)*
- Parliamentary Under Secretary of State – Rachel Maclean MP
- Parliamentary Under Secretary of State – Kevin Foster MP

- Parliamentary Under Secretary of State – Tom Pursglove MP (jointly with the Ministry of Justice)

Ministry of Defence

- Secretary of State for Defence – Rt Hon Ben Wallace MP
- Minister of State – Jeremy Quin MP
- Minister of State – Baroness Goldie DL*
- Parliamentary Under Secretary of State – James Heapey MP
- Parliamentary Under Secretary of State – Leo Docherty MP (jointly with the Cabinet Office)

Department for Levelling Up, Housing and Communities

- Secretary of State for Levelling Up, Housing and Communities, Minister for Intergovernmental Relations – Rt Hon Michael Gove MP
- Minister of State – Kemi Badenoch MP (jointly with the Foreign, Commonwealth and Development Office (Minister for Equalities))
- Minister of State – Rt Hon Christopher Pincher MP
- Minister of State – Lord Greenhalgh (jointly with the Home Office)*
- Parliamentary Under Secretary of State – Eddie Hughes MP
- Parliamentary Under Secretary of State – Neil O'Brien MP

Department of Health and Social Care

- Secretary of State for Health and Social Care – Rt Hon Sajid Javid MP
- Minister of State – Edward Argar MP
- Minister of State – Gillian Keegan MP
- Parliamentary Under Secretary of State – Maggie Throup MP
- Parliamentary Under Secretary of State – Maria Caulfield MP
- Parliamentary Under Secretary of State – Lord Kamall

Cabinet Office

- Chancellor of the Duchy of Lancaster, Minister for the Cabinet Office – Rt Hon Stephen Barclay MP

- COP 26 President – Rt Hon Alok Sharma MP
- Minister of State – Rt Hon Lord Frost CMG
- Minister of State, Minister without Portfolio – Nigel Adams MP**
- Paymaster General – Rt Hon Michael Ellis QC MP
- Minister of State – Lord Agnew of Oulton (jointly with HM Treasury)*
- Minister of State – Lord True CBE
- Parliamentary Secretary – Leo Docherty MP (jointly with the Ministry of Defence)

Department for Business, Energy and Industrial Strategy

- Secretary of State for Business, Energy and Industrial Strategy – Rt Hon Kwasi Kwarteng MP
- Minister of State – Rt Hon Greg Hands MP
- Minister of State – Lord Grimstone of Boscobel Kt (jointly with the Department for International Trade)*
- Parliamentary Under Secretary of State* – Lee Rowley (and Junior Lord of the Treasury (Government Whip) (paid))
- Parliamentary Under Secretary of State, and Minister for London – Paul Scully MP
- Parliamentary Under Secretary of State, Minister for Science, Research and Innovation – George Freeman MP
- Parliamentary Under Secretary of State – Lord Callanan

Department for International Trade

- Secretary of State for International Trade and President of the Board of Trade – Rt Hon Anne-Marie Trevelyan MP
- Minister of State – Rt Hon Penny Mordaunt MP
- Minister of State – Lord Grimstone of Boscobel Kt (jointly with the Department for Business, Energy and Industrial Strategy)*
- Parliamentary Under Secretary of State – Mike Freer MP
- Parliamentary Under Secretary of State – Ranil Jayawardena MP

Department for Work and Pensions

- Secretary of State for Work and Pensions – Rt Hon Dr Thérèse Coffey MP
- Minister of State – Chloe Smith MP
- Parliamentary Under Secretary of State – Mims Davies MP
- Parliamentary Under Secretary of State – Guy Opperman MP
- Parliamentary Under Secretary of State – David Rutley MP
- Parliamentary Under Secretary of State – Baroness Stedman–Scott OBE DL (jointly with the Foreign, Commonwealth and Development Office)

Department for Education

- Secretary of State for Education – Nadhim Zahawi MP
- Minister of State – Michelle Donelan MP**
- Minister of State – Robin Walker MP
- Parliamentary Under Secretary of State – Alex Burghart MP
- Parliamentary Under Secretary of State – Will Quince MP
- Parliamentary Under Secretary of State – Baroness Barran MBE*

Department for Environment, Food and Rural Affairs

- Secretary of State for Environment, Food and Rural Affairs – Rt Hon George Eustice MP
- Minister of State – Victoria Prentis MP
- Minister of State – Rt Hon Lord Goldsmith of Richmond Park (jointly with the Foreign, Commonwealth and Development Office)*
- Parliamentary Under Secretary of State – Rebecca Pow MP
- Parliamentary Under Secretary of State – Jo Churchill MP
- Parliamentary Under Secretary of State – Rt Hon Lord Benyon

Department for Transport

- Secretary of State for Transport – Rt Hon Grant Shapps MP
- Minister of State – Andrew Stephenson MP
- Minister of State – Chris Heaton–Harris MP

- Parliamentary Under Secretary of State – Robert Courts MP
- Parliamentary Under Secretary of State – Trudy Harrison MP
- Parliamentary Under Secretary of State – Baroness Vere of Norbiton

Northern Ireland Office

- Secretary of State for Northern Ireland – Rt Hon Brandon Lewis CBE MP
- Minister of State – Rt Hon Conor Burns MP

Scotland Office

- Secretary of State for Scotland – Rt Hon Alister Jack MP
- Parliamentary Under Secretary of State – Iain Stewart MP

Wales Office

- Secretary of State for Wales – Rt Hon Simon Hart MP
- Parliamentary Under Secretary of State* – David TC Davies MP (and an Assistant Government Whip (paid))

Office of the Leader of the House of Lords

- Lord Privy Seal, and Leader of the House of Lords – Rt Hon Baroness Evans of Bowes Park
- Minister of State (Deputy Leader of the House of Lords) – Rt Hon Earl Howe CBE*

Department for Digital, Culture, Media and Sport

- Secretary of State for Digital, Culture, Media and Sport – Nadine Dorries MP
- Minister of State – Julia Lopez MP
- Parliamentary Under Secretary of State – Chris Philp MP
- Parliamentary Under Secretary of State – Nigel Huddleston MP

Minister without Portfolio

- Minister without Portfolio – Rt Hon Oliver Dowden CBE MP*

Office of the Leader of the House of Commons

- Lord President of the Council, and Leader of the House of Commons – Rt Hon Jacob Rees–Mogg MP**

Whips – House of Commons

- Parliamentary Secretary to the Treasury (Chief Whip) – Rt Hon Mark Spencer MP**
- Treasurer of HM Household (Deputy Chief Whip) – Stuart Andrew MP
- Comptroller of HM Household (Government Whip) – Marcus Jones MP
- Vice Chamberlain of HM Household (Government Whip) – James Morris MP

Junior Lords of the Treasury

- Government Whip (Lord Commissioner of HM Treasury) – Amanda Solloway MP
- Government Whip (Lord Commissioner of HM Treasury) – Lee Rowley MP (and Parliamentary Under Secretary of State at the Department for Business, Energy and Industrial Strategy*)
- Government Whip (Lord Commissioner of HM Treasury) – Michael Tomlinson MP
- Government Whip (Lord Commissioner of HM Treasury) – Alan Mak MP*
- Government Whip (Lord Commissioner of HM Treasury) – Craig Whittaker MP
- Government Whip (Lord Commissioner of HM Treasury) – Rebecca Harris MP

Assistant Whips (Commons)

- Assistant Government Whip – Scott Mann MP
- Assistant Government Whip – David TC Davies MP (and Parliamentary Under Secretary of State at the Wales Office*)
- Assistant Government Whip – James Cartlidge (and Parliamentary Under Secretary of State at the Ministry of Justice*)
- Assistant Government Whip – Gareth Johnson MP
- Assistant Government Whip – Heather Wheeler MP
- Assistant Government Whip – Andrea Jenkyns MP
- Assistant Government Whip – Steve Double MP

Whips – House of Lords

- Captain of the Honourable Corps of Gentlemen at Arms (Lords Chief Whip) – Rt Hon Lord Ashton of Hyde

- Captain of The Queen's Bodyguard of the Yeomen of the Guard (Deputy Chief Whip) – Earl of Courtown

Baronesses and Lords in Waiting

- Baroness in Waiting – Baroness Scott of Bybrook OBE
- Baroness in Waiting – Baroness Bloomfield of Hinton Waldrist
- Baroness in Waiting – Baroness Chisholm of Owlpen
- Lord in Waiting – Lord Parkinson of Whitley Bay
- Lord in Waiting – Viscount Younger of Leckie

Law Officers

- Attorney General – Rt Hon Suella Braverman QC MP**
- Solicitor General – Alex Chalk MP
- HM Advocate General for Scotland – Lord Stewart of Dirleton QC

Key

*unpaid

**attends Cabinet

† paid as a Parliamentary Secretary

Baroness Barran having been [moved](#) to the Department for Education, at the time of writing there does not appear to be any minister with special responsibility for the charity sector and civil society in England & Wales.

PROPERTY & PLANNING

Coronavirus Act 2020: Residential Tenancies and Notices

For information

Under the [Coronavirus Act 2020 \(Residential Tenancies and Notices\) \(Amendment and Suspension\) \(England\) Regulations 2021](#), which come into force at the end of the month, with effect from **1 October 2021** all the extended Notice periods brought in by the emergency regulations are removed, and the pre-pandemic Notice periods are restored.

However, the Government has reserved the right for the Secretary of State to reimpose extended Notice Periods until **25 March 2022**.

New forms of Notice must be used from **1 October 2021**. They affect Notices for claims under s 83 Housing Act 1985, s 8 Housing Act 1988 (ie removal of tenant because of rent arrears) and s 21 Housing Act 1988 (no-fault notices to remove the tenant).

The temporary relaxations on “right to rent” checks under the Immigration Act 2014, under which landlords are allowed to rely on scanned or photo versions of documents which can be e-mailed rather than having to see the originals and may check IDs via video calls will end on **5 April 2022**.

[Source: *Lexology*, 14 September]

Retrofit internal wall insulation: best practice

For information

BEIS has [published](#) guidance for designers, surveyors, project managers and installers about retrofit internal wall insulation. It provides information on best practice for internal wall insulation and can be used to assess:

- viability of internal wall insulation or systems
- the design of internal wall insulation
- the selection of materials including hygrothermal aspects

[Source: BEIS, 13 September]

SCOTLAND

Places of Worship Forum

For information

Built Environment Forum Scotland has [publicised](#) the Places of Worship Forum (POWF). The following is reproduced from the POWF web page.

'The Places of Worship Forum (POWF) is a non-denominational, strategic forum ; actively involving organisations that are considering the transition pathways, and collectively seeking sustainable future uses (within, and beyond worship) for Places of Worship within Scotland.

Membership is open to any overarching organisation that owns, manages or runs places of worship; any national organisation that does/could fund places of worship; any national organisation that has an interest in the sustainability of communities who may become owners of places of worship, and national bodies giving advice relevant to places of worship.

Places of Worship – being defined as buildings that have had, or still have, use as active places of worship. All faith groups, Christian and non-Christian denominations are welcome. There is an understanding that activity may focus on historic places of worship that are seen to have cultural value. More modern places of worship may have high community value, and their strategic use and sustainability may also be part of the conversations.'

[Source: Built Environment Forum Scotland]

WALES

COVID-19 Regulations update

For information **and possibly for action**

Over recent weeks, the Welsh Government has made various changes to its COVID-19 Regulations and has published new guidance for places of worship and other specific settings. Some other organisations have also updated advice and guidance which could be useful for places of worship and community centres as they prepare, update and implement their statutory risk assessments.

The Welsh Government has published a helpful, “unofficial” version of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) Regulations 2020, as amended](#), showing the effect of recent changes. On August 27, Regulation 20(2)(aa) was added, meaning that it is not necessary for those attending weddings, civil partnerships or “an alternative wedding ceremony” (such as a service for the blessing of a marriage) to wear face coverings. This does NOT, however, change the situation regarding funerals or other indoor services of worship, where face coverings remain mandatory.

It has suspended the 2020 Regulations enabling the making of emergency arrangements for the disposal of the dead should numbers of deaths exceed the capacity of crematoria and cemeteries: see [Coronavirus Act 2020 \(Suspension: Transportation, Storage and Disposal of Dead Bodies etc\) \(Wales\) Regulations 2021](#).

Welsh Government guidance (now called “action cards”) for retail sites, cafés, major events, visitor attractions, sports and leisure centres and children’s play areas – including facilities of these kinds provided by faith communities – is available [here](#). Guidance for children’s and youth work and childcare is available here: [Reasonable measures action cards for businesses and organisations: coronavirus](#).

[Guidance on volunteering](#) has also been updated. Because most of the tasks in places of worship and faith communities are carried out by volunteers, this guidance will be helpful to places of worship in making arrangements to keep their volunteers safe.

Most important, on 25 August the Welsh Government published the [Places of worship and funerals: potential reasonable measures action card \(coronavirus\)](#). Places of worship are under a legal duty to “have regard to” this guidance in drawing up and implementing their risk assessments. It is shorter than previous versions and largely replicates the general advice given by the Welsh Government to public spaces and activities: [Alert level 0: guidance for employers, businesses and organisations](#).

Cytûn states that the most important additional issues for places of worship are as follows:

- Singing: the guidance is as follows: *Singing or chanting increases the amount of aerosol expelled into the air from people’s mouths. Reducing the amount of singing or stopping singing can help to reduce the risk of transmission. If singing or chanting takes place, other mitigations*

should be put in place, which could include improving ventilation, moving the activity outdoors, increasing the space between people, or having fewer people present.

- The presence at funerals of individuals who may have tested positive: - *As (exceptionally) a person who has tested positive for coronavirus may attend a funeral of a family member or close friend on compassionate grounds, taking particular care in relation to any such person present – including by requiring that person to wear a face covering, maintaining strict physical distancing, reducing the length of the funeral service, ensuring good ventilation and holding as much of the funeral as possible outside.*
- *Cleaning: Regular cleaning and disinfection of surfaces and equipment. Allowing for breaks between service and ensuring thorough and regular cleaning, using disinfectant in high footfall areas and in high contact touchpoints such as door handles or rails.*
 - *Where objects are touched as part of worship, clean the object between each worshipper that touched it and require worshipers to sanitise or wash their hands before and after touching the object.*
 - *Providing hand sanitiser and encouraging regular hand washing. The Health & Safety Executive has provided guidance regarding cleaning and hand sanitising materials [here](#).*

Brief guidance is also provided about ventilation, limiting numbers in attendance, face coverings, providing information to the public, etc. The guidance should be read in full when drawing up a risk assessment. It should be noted that a number of the actions suggested (such as asking for evidence of vaccination) are suggestions to be considered, rather than Regulations.

The Welsh Government has also published downloadable [bilingual signage](#) to help fulfil the legal duty to provide such information in both languages. [*With thanks to the Revd Gethin Rhys of Cytûn.*]

[Source: Welsh Government/Cytûn]