

## **CLAS CIRCULAR 2022/01 (13 JANUARY 2022)**

### **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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## COVID-19

### COVID-19: guidance for the safe use of places of worship in England

For information

The Government has updated its guidance for England, [Coronavirus \(COVID-19\): Wedding and civil partnership ceremonies, receptions and celebrations](#), to include the change from 11 January when people in England who receive a positive lateral flow test will be required to self-isolate immediately but will not need to take a confirmatory PCR test. The earlier update on 23 December 2021 stated that if one tested positive or had COVID-19 symptoms it was permissible to stop self-isolating after 7 days instead of 10 days on the basis of two negative lateral flow test results on day 6 and 7.

[Source: DLUHC & Cabinet Office, 7 January]

### COVID-19: guidance on enabling safe and effective volunteering

For information

The Government has updated its guidance, first published on 13 November, on [Enabling safe and effective volunteering during coronavirus \(COVID-19\)](#).

[Source: DCMS, 13 January]

## FAITH & SOCIETY

### Outdoor weddings and civil partnerships in England & Wales

For information **and possibly for action**

The Ministry of Justice has issued a [consultation](#) on its proposals to continue to permit outdoor civil marriages and civil partnerships on approved premises in England & Wales *and to permit outdoor religious marriages in the grounds of places of worship*.

Since July 2021, couples have been able to have their civil marriage and civil partnership proceedings outdoors on “approved premises” after the Government made a temporary Statutory Instrument permitting outdoor wedding and civil partnership ceremonies during the COVID-19 pandemic – but it is currently due to lapse on 5 April 2022. The Government now proposes to lay a further Statutory Instrument to enable outdoor civil marriage and civil partnership proceedings to continue indefinitely.

The Government proposes to extend the policy of permitting outdoor religious marriage ceremonies using a separate Legislative Reform Order. Existing protections would remain in place so that there would be no requirement for religious bodies to allow the formation of civil partnerships on religious premises unless they had given consent under the 2005 Regulations. As in the July 2021 changes, specific provision would be included to ensure that in relation to a church or chapel of the Church of England, nothing in the proposed Order would be intended to oust the faculty jurisdiction. It would be a matter for the Church of England and the Church in Wales to determine whether outdoor weddings could or should be held and if so, at which locations and/or in what circumstances.

The consultation closes on **24 January**. Responses can be made via an [Online Survey](#) or to Natasha Colvine, Ministry of Justice, Family Justice, Area 7.19, 102 Petty France London SW1H 9AJ: Email: [outdoorweddings@justice.gov.uk](mailto:outdoorweddings@justice.gov.uk).

[Source: Ministry of Justice, 20 December]

### Protect Duty: the Government's response

For information

The Government has published its [response](#) to its consultation on the Protect Duty. Interestingly, one-third of the responses were from places of worship (CLAS responded, arguing for a proportionate approach). Of a total of 2,755 respondents, seven in ten agreed or strongly agreed with the concept that those responsible for publicly accessible locations should take appropriate and proportionate

measures to protect the public from attacks at these locations. Seven in ten also agreed that responsible venues and organisations should prepare their staff to respond appropriately in the event of a terrorist attack. However, 128 respondents felt that places of worship should be excluded from the Duty.

The response merely summarises the outcome of the consultation, rather than putting forward detailed proposals. The Ministerial Foreword notes that responses

‘highlighted the challenge of which organisations should be in the scope, and what would constitute proportionate security measures. This includes ensuring that there is not an undue burden on organisations, particularly those which are smaller in size or staffed by volunteers, such as places of worship. These are issues I am considering carefully’.

We await further developments.

[Source: HM Government, 10 January]

## ODDS & ENDS

### Human rights consultation

For information

The Ministry of Justice has published a consultation entitled [Human Rights Act Reform: A Modern Bill Of Rights: A consultation to reform the Human Rights Act 1998](#). It sets out and seeks views on the Government's proposals to revise and replace the Human Rights Act 1998 with a Bill of Rights, in fulfilment of its 2019 manifesto pledge to '[...] update the Human Rights Act and administrative law to ensure there is a proper balance between the rights of individuals, our vital national security and effective government.' The Government also published [The Independent Human Rights Act Review](#), the conclusions of the review panel chaired by Sir Peter Gross.

The consultation ends on 8 March 2022. You can respond either by filling in the [online response form](#) by post to Human Rights Team, Ministry of Justice, International, Rights & Constitutional Policy Directorate, 102 Petty France, London SW1H or by e-mail to [HRAreform@justice.gov.uk](mailto:HRAreform@justice.gov.uk).

[Source: Ministry of Justice, December]

## PROPERTY & PLANNING

### Leasehold and commonhold reform in England & Wales

For information **and possibly for action**

With the agreement of the Welsh Government, the DLUHC has published a [consultation](#) on a number of [Law Commission recommendations](#) that would broaden access to [enfranchisement](#) and the '[right to manage](#)' a building. The proposals would increase the 'non-residential limit' from 25% to 50%, allowing leaseholders in buildings with up to 50% non-residential floorspace to buy their freehold or claim a right to manage. It is also considering recommendations that allow leaseholders to require that a landlord take on leases for any non-participating units following a collective enfranchisement; the introduction of a non-residential limit for individual freehold acquisitions; and changes to voting rights in right to manage companies.

On Commonhold, it is considering how shared ownership products could work in commonhold settings; and the provision of information for buying and selling a commonhold property.

The consultation closes on **22 February**. You can respond either by completing the online survey hosted on Citizen Space or by e-mail to: [leasehold.reform@communities.gov.uk](mailto:leasehold.reform@communities.gov.uk).

[Source: DLUHC, 11 January]

## WALES

### Renting Homes (Wales) Act 2016: commencement

**For action**

Julie James, Minister for Climate Change, has announced in a [a written Ministerial Statement](#) on 12 January that the Welsh Government intends to implement the Renting Homes (Wales) Act 2016 **on 15 July 2022**. The Minister has maintained the commitment to provide key information that landlords will need in order to comply with their obligations under the Act six months in advance of implementation. Subsequently, a series of Regulations have been made and will become available on the Welsh Government's [Renting Homes webpages](#) from **Friday 14 January**:

- the default supplementary terms to be included in the new occupation contracts;
- the explanatory information to be included in occupation contracts;
- the model written statements of contract; and
- the fitness for human habitation obligation.

Once the documents referred to are published tomorrow, Gethin Rhys (to whom our thanks for the update) will issue a revised version of Cytûn's Briefing Paper to all Property Officers and equivalents.

[Source: Welsh Government, 12 January]

### Guidance on Religion, Values and Ethics syllabus

**For information**

The Welsh Government has published its [curriculum guidance](#) on the teaching of the Religion, Values and Ethics syllabus.

[Source: Welsh Government, 10 January]