

CLAS CIRCULAR 2023/03 (7 February 2023)

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 Commission trustee guides

For information **and possibly for action**

The Charity Commission has [launched](#) the next stage of its campaign to raise awareness of core trustee duties and available guidance. The core suite of 5-minute guides covers the following subject areas:

- [Delivering purpose](#) – advice on how to use your charity's governing document, how to deliver on your charity's purposes, and the law.
- [Managing finances](#) – advice on how to ensure that your charity's money is safe, properly used and accounted for.
- [Conflicts of interest](#) – advice on how to identify and deal with conflicts of interest in your charity.
- [Making decisions](#) – advice on how to make valid trustee decisions that are in your charity's best interests.
- [Reporting information](#) – advice on how and what you need to report to the Commission.
- [Safeguarding people](#) – advice on your responsibilities to keep everyone who comes into contact with your charity safe from harm.
- [Political activity & campaigning](#) – advice for charities that want to support, or oppose, a change in Government policy or the law.

[Source: Charity Commission, 2 February]

Charity Finance survey

For information **and possibly for action**

Every year, *Charity Finance* conducts a survey of its readers on a topic affecting the sector: this year it is canvassing opinions on the sector's umbrella bodies. As an umbrella body itself, CLAS obviously can't respond on its own behalf – but individual members might wish to do so.

The survey, which is quite short, is [here](#): it closes on **9 February**.

[Source: *Charity Finance*, nd]

EMPLOYMENT

Dismissal and Re-engagement

For information **and possibly for action**

The Government has opened a [consultation on a statutory Code of Practice on Dismissal and Re-engagement](#). The draft Code does not impose any legal obligations on employers and there is no freestanding liability for breach; however, it will be taken into account by employment tribunals and courts in relevant proceedings (such as unfair dismissal claims), who may adjust any award they make by up to 25% if either party has failed to comply with the Code.

[Source: BEIS, 24 January]

ODDS & ENDS

Minority languages in the UK

For information **and possibly for action**

Members with congregations in Welsh-, Irish- and Gaelic-speaking areas may be interested in the inquiry by the Commons Culture, Media and Sport Committee into [the future of minority languages in the British Isles](#) and the Government's role in supporting and developing them. The inquiry covers Cornish, Gaelic, Irish, Scots, Ulster Scots and Welsh.

The Committee will consider the key factors determining whether a minority language thrives, what the criteria should be for determining official status, and whether there are lessons to be learnt from other countries where there is widespread fluency in more than one language. [*With thanks to Cytûn.*]

The closing date for submissions is **Friday 10 March**.

[Source: House of Commons, 18 January]

Realigned UK Government Departments

For information

The Prime Minister has announced a realignment of departmental responsibilities as part of his Government reshuffle:

- A new Department for Energy Security and Net Zero, "tasked with securing our long-term energy supply, bringing down bills and halving inflation".
- A Department for Science, Innovation and Technology to "drive the innovation that will deliver improved public services, create new and better-paid jobs and grow the economy".
- A combined Department for Business and Trade.
- A "re-focused" Department for Culture, Media and Sport.

Presumably the refocused DCMS will retain responsibility for charities and charity law.

[Source: HM Government, 7 February]

PROPERTY & PLANNING

Energy bills

For information **and possibly for action**

We have previously shared that charities (including places of worship) can check whether they are currently paying the correct rate of VAT on the fuel that they purchase, [here](#), and that they should contact their supplier if they believe that they might qualify for a refund.

The Historic Religious Buildings Alliance points out that a small number of places of worship may qualify for an additional reduction through the ETTI (Energy and Trade Intensive Industries) scheme. This will apply to places of worship which are 'a historic site or building or a tourist attraction; or which house a library, archive or museum'. *They will need to make an application for this additional support* – but more information, including the application process, is not due to appear until the end of March. The list of eligible sectors is [here](#): it includes at the end, 'operation of historical sites and buildings and similar visitor attractions'.

[Source: HRBA, 1 February]

Service charge transparency requirements: ongoing costs of the new building safety regime

For information **and possibly for action**

DLUHC has [published](#) a consultation – closing **31 March** – on the proposed transparency requirements for the ongoing costs of the new building safety regime. This consultation seeks views on:

- the proposed transparency requirements associated with the ongoing costs of the new building safety regime
- the administrative and operational changes needed to implement the new transparency requirements
- the cost of and time taken to adjust existing systems or to implement new systems to meet the transparency requirements
- the impact of different commencement timings and sequencing

[Source: DLUHC, 2 February]

SCOTLAND

Charities (Regulation and Administration) (Scotland) Bill

For information

Lexology has published a helpful series of articles by Brodies LLP on the provisions of the Charities (Regulation and Administration) (Scotland) Bill currently before the Scottish Parliament:

- [Charity Law Reform in Scotland: Part 1: Charities \(Regulation and Administration\) \(Scotland\) Bill - what happens next?](#)
- [Charity Law Reform in Scotland: Part 2: Charities \(Regulation and Administration\) \(Scotland\) Bill - a register of charity trustees - both "on" and "off the record".](#)
- [Charity Law Reform in Scotland: Part 3: Charities \(Regulation and Administration\) \(Scotland\) Bill - Charity Mergers and Legacies.](#)
- [Charity Law Reform in Scotland: Part 4: Charities \(Regulation and Administration\) \(Scotland\) Bill - OSCR's powers.](#)

[Source: Lexology, 7 February]

Register of Controlled Interest in Land

For information

The Scottish Churches are [suggesting](#) that the new Register of Controlled Interest in Land, set up under the [Land Reform \(Scotland\) Act 2016](#), has been structured in such a way as to create unmanageable administrative burdens for local congregations.

The Churches have been engaging with the Scottish Government and have proposed alternative arrangements to ensure that the policy aim of achieving transparency is met, while also recognising the unique legal structure of congregations. They have argued – unsuccessfully, it appears – that they depend heavily on local volunteers and that the Register will have a hugely disproportionate impact on them. The Scottish Government has failed to recognise their position and has not responded to their suggestions. [*With thanks to David Bradwell.*]

[Source: CLAS, 7 February]

WALES

Carbon monoxide alarms

For information **and possibly for action**

The Welsh Government has [published](#) a consultation – closing **28 April** – on proposals to amend the current guidance on the installation of carbon monoxide alarms.

The proposal would amend the current statutory guidance (Approved Document J) supporting Part J of the Building Regulations to require that carbon monoxide alarms are fitted alongside the installation of flued fixed combustion appliance of any fuel type in all residential dwellings.

[Source: Welsh Government, 3 February]

Statutory licensing for visitor accommodation

For information **and possibly for action**

The Welsh Government has launched a [consultation on introducing a statutory licensing scheme for holiday lets](#), as part of a package of measures to address the negative impact second homes and short-term holiday lets can have on the availability and affordability of housing for local people. The consensus from the initial scoping exercise undertaken was that any scheme introduced should apply to all operators of visitor accommodation regardless of type, size, and frequency of use.

The consultation closes on **17 March**. Members who let unused accommodation to holidaymakers may wish to respond.

[Source: Welsh Government, 16 December]