

CLAS CIRCULAR

2023/18 (24 October)

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 AND CHARITY LAW

Charities Act 2022 implementation plan: update

For information

The DCMS has updated the timetable for implementing the [Charities Act 2022](#), as follows:

Provisions of the Act expected to come into force in June 2023:

- Sections 9-14 and 35(a): Permanent endowment.
- Sections 17, 19-22: Charity land.
- Sections 25-28: Charity names.
- Section 38 and 39: Connected persons.
- Part of Section 40 and Schedule 2: Minor and consequential amendments.

Provisions of the Act expected to come into force by early 2024:

- Section 1-3: Charity constitutions.
- Sections 18 and 23: Charity land.
- Section 24 and Schedule 1: Amendments of the Universities and College Estates Act 1925 (section 24 and Schedule 1 will be included in the phase 3 commencement regulations but they will come into force in Spring 2025).
- Section 29: Powers relating to appointments of trustees.
- Section 31: Remuneration etc of charity trustees etc.
- Sections 33, 34 and 35(b): Charity mergers.
- Section 37: For remaining purposes.
- Section 40 and Schedule 2: For remaining purposes.

Provisions under further consideration prior to commencement:

- Sections 15 and 16: *Ex Gratia* Payments.

There is a full list, including those provisions already in force, with a press release [here](#).

[Source: DCMS, 16 October]

Charity Commission updated guidance: Prepare a charity annual return

For information **and possibly for action**

Access to the Charity Commission's online services has changed. From 31 July 2023, previous charity login details will no longer work. Users need to have [set up their own My Charity Commission Account](#), using an individual email address and password, to access services on behalf of a charity.

Those who have already set up your new account, with personal login information, can [sign in to submit their charity's annual return](#).

[Charities must submit their annual return within 10 months of the end of their financial year](#). (For example, if a charity's financial year end was 31 December 2022, the deadline for submission is 31 October 2023.)

[Source: Charity Commission, 6 October]

EMPLOYMENT

Employment practices and data protection: monitoring workers

For information

The Information Commissioner's Office has published detailed [guidance on monitoring workers](#). It covers the following:

- [What do we mean by monitoring workers?](#)
- [Can we monitor workers?](#)
- [How do we lawfully monitor workers?](#)
- [How do we identify a lawful basis?](#)
- [What if our monitoring involves special category data?](#)
- [What about criminal offence data?](#)
- [Are there other laws we should consider?](#)
- [How do we ensure our monitoring is fair?](#)
- [How do we ensure that we are transparent about monitoring?](#)
- [How do we demonstrate accountability?](#)
- [Do we need to do a data protection impact assessment \(DPIA\) before we start monitoring?](#)
- [Do we have to define our purpose for monitoring workers?](#)
- [Do we need to restrict the amount of information we collect when we monitor workers?](#)
- [How do we ensure accuracy?](#)
- [How long should we keep information obtained from monitoring workers?](#)
- [How do we ensure the security of personal information obtained from monitoring workers?](#)
- [What must we tell workers about our monitoring?](#)
- [Should we discuss the introduction of monitoring with our workers?](#)
- [Can we use covert monitoring?](#)
- [Can workers request access to their personal information obtained from monitoring?](#)
- [Can workers object to being monitored?](#)
- [What do we need to consider if we use a third-party provider or an application provided by a third party to carry out monitoring?](#)
- [What do we need to consider if we transfer personal information of workers outside the UK?](#)

[Source: Information Commissioner's Office, 10 October]

FAITH AND SOCIETY

Reuse of graves

For information

The House of Commons Library has published a [briefing paper on the reuse of graves](#) as a means of addressing the problem of the shortage of available space for burial.

It considers the current legislation surrounding burial from [s.25 Burial Act 1857](#), the [Local Authorities Cemeteries Order 1977](#) and rights of reclamation, a [consultation](#) launched by the Government in 2004 which included the reuse of graves, the current Law Commission project on [Burial, Cremation, and New Funerary Methods](#) which began in December 2022, and the [consultation](#) on burial by the Scottish Government which resulted in the [Burial and Cremation \(Scotland\) Act 2016](#). The Scottish Government is currently conducting a [consultation](#) on a wide range of burial matters, including resomation, which will close on **17 November**.

This paper was published in reference to the current [Bishop's Stortford Cemetery Bill](#), which would confer powers upon Bishop's Stortford Town Council to extinguish rights of burial and disturb human remains in Bishop Stortford's New Cemetery and Old Cemetery for the purpose of increasing the space for interments.

[Source: House of Commons Library, 16 October]

PROPERTY & PLANNING

Consultation on Improving Broadband for Very Hard to Reach Premises

For information **and possibly for action**

The Department for Science, Innovation & Technology has announced a consultation on [Improving Broadband for Very Hard to Reach Premises](#).

The responses to this consultation will help to shape the policy direction in the future, inform the Government's approach and bring forward recently announced further initiatives.

The consultation closes at **11:55 pm on 27 November**.

[Source: DSIT, 3 October]

Renters (Reform) Bill

For information

The Renters (Reform) Bill was given its second reading on 23 October. The Bill would make provision changing the law about rented homes, including provision abolishing fixed term assured tenancies and assured shorthold tenancies and imposing obligations on landlords and others in relation to rented homes and temporary and supported accommodation.

The Secretary of State for Levelling Up, Housing and Communities, Michael Gove, told the House that it would not be possible to bring the provision abolishing eviction under [s.21 Housing Act 1988](#) into force until 'the courts system is reformed and that we have end-to-end digitisation'.

There is a helpful report by the House of Commons Library on the Bill, [here](#).

[Source: Commons *Hansard*, 23 October]

Social Housing Decarbonisation Fund: an additional £80 million

For information **and possibly for action**

The Government is making available 9,500 more grants for social housing tenants for home energy efficiency upgrades, made available through the [Social Housing Decarbonisation Fund](#). Eligible tenants will receive the energy efficiency upgrades free of charge through their social housing provider, whether local councils or housing associations.

Measures available through the scheme range from installing new wall, loft or underfloor insulation to supporting families to switch to low carbon heating. The Government estimates that individual grants could generate energy bill savings of around £240 a year.

[Source: DESNZ, 2 October]