

## **CLAS CIRCULAR**

### **2023/22 (22 December)**

#### **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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## IMMIGRATION & NATIONALITY

### Skilled worker earnings threshold

For information

Members may be aware that on 4 December the Home Secretary unveiled a new package of measures to reduce immigration. One of the elements in his statement to the Commons was a decision to 'increase the skilled worker earnings threshold by a third to £38,700 from next spring, in line with the median full-time wage for those kinds of jobs' and to raise the minimum income for family visas 'to the same threshold as the minimum salary threshold for skilled workers, which is £38,700'. The new measures will apply not only to applications from those settled here to bring in their spouses, civil partners or fiancé(e)s, but also to spouses and civil partners who are already settled here and who need to renew their visas. The new thresholds will presumably apply automatically to church lay-workers, but overseas *clergy* working in the UK are normally recruited on a Minister of Religion visa (T2) so, on the face of it, the new threshold should not apply to them.

The announcement was followed by a series of somewhat confused messages from Government on exactly how the new threshold would be applied, not least when the Home Office minister in the Lords, Lord Sharpe of Epsom, told the Bishop of Norwich that 'there is no barrier to recruiting people to the Church, as long as £38,700 is paid to them. I do not think that unreasonable, I am afraid'. The situation for clergy was somewhat clarified in [a Commons Written Answer](#) as follows:

'The T2 Minister of Religion route does not have a salary threshold. Workers must receive pay and conditions at least equal to those given to settled workers in the same role and be compliant with, or exempt from, the National Minimum Wage. There are no plans to make any changes at this time.'

In addition, it was announced on the same day that the raising of the income threshold will be staged and, in the first instance will be set at £29,000.

Further clarification has now been given in a [Home Office factsheet](#) which states that until the Immigration Rules are amended, the current thresholds and policies will remain in place. As to family migration minimum income:

'Those who already have a family visa within the five-year partner route, or who apply before the minimum income threshold is raised, will continue to have their applications assessed against the current income requirement and will not be required to meet the increased threshold. This will also be the case for children seeking to join or accompany parents.'

Anyone granted a fiancé(e) visa before the minimum income threshold is raised will also be assessed against the current income requirement when they apply for a family visa within the five-year partner route.

Those already in the UK on a different route who apply to switch into the five-year partner route, after the minimum income requirement has been increased, will be subject to the new income requirement'.

[Source: Home Office, 21 December]

## PROPERTY & PLANNING

### Future Homes and Buildings Standards: 2023 consultation

For information **and possibly for action**

As part of the Government's plans for increasing energy efficiency, it has released a [consultation on changes to Part 6, Part L and Part F of the Building Regulations for dwellings and non-domestic buildings](#).

This consultation sets out the Government's plans for achieving the Future Homes Standard and Future Buildings Standard. It sets technical proposals for changes to the Building Regulations, the associated Approved Document guidance and calculation methods.

The consultation is largely about new homes and new non-domestic buildings, but a small number of sections are also relevant to existing buildings:

- Material Change of Use
- some elements of Updated Guidance and Minimum Standards
- real-world performance of homes: changes to Approved Document L, Volume 1: Dwellings and Approved Document F, Volume 1: Dwellings to improve the commissioning of fixed building services in new and existing homes.
- Part O (call for evidence).

The Department for Energy Security and Net Zero has also published a series of documents related to this consultation, as well as their own consultations on the Home Energy Model (HEM), which can be found here:

- [Home Energy Model consultation](#)
- [Home Energy Model: Future Homes Standard assessment consultation](#)

The consultation closes on **6 March 2024**.

[Source: DLUHC, 13 December]

## SCOTLAND

### Forthcoming consultation on legal age of marriage

For information

In 2022, only 18 marriages in Scotland involved a party or parties under 18. On 6 December, in [reply](#) to a question on the legal age of marriage, Siobhian Brown, Minister for Victims and Community Safety, announced that the Scottish Government will consult formally on raising the minimum age for marriage and civil partnerships to 18 by summer 2024.

The consultation will also include an outstanding issue on weddings law:

'we have not yet implemented a provision in the Marriage and Civil Partnership (Scotland) Act 2014 on creating qualifying requirements for religious and belief bodies with celebrants who solemnise marriage and register civil partnerships. The aims of this provision include ensuring the continuing dignity and solemnity of ceremonies and tackling forced marriages and civil partnerships. We are planning therefore to also consult formally on the options here.'

[Source: Scottish Government, 6 December]

***AND A VERY HAPPY CHRISTMAS TO EVERYONE***