

CLAS CIRCULAR

2024/06 (17 April)

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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.

CHARITIES & CHARITY LAW	2
Reforming the Law of Apologies in Civil Proceedings in England and Wales.....	2
EMPLOYMENT	4
Low Pay Commission consultation 2024	4
PROPERTY & PLANNING	5
New regime for social housing	5
WALES	6
Proposed changes to land transaction tax reliefs	6

CHARITIES & CHARITY LAW

Reforming the Law of Apologies in Civil Proceedings in England and Wales

For information **and possibly for action**

This consultation may look rather obscure and niche, but member denominations in England and Wales should be aware of it – and possibly alert their legal advisers.

The consultation

Section 2 of the [Compensation Act 2006](#) (Apologies, offers of treatment or other redress) was enacted to make it easier for organisations to apologise for their actions without admitting civil liability: it reads, “An apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or breach of statutory duty”.

On 8 April, the Ministry of Justice launched a consultation, [Reforming the Law of Apologies in Civil Proceedings in England and Wales](#) to consider whether section 2 remains adequate or whether legislative provisions to clarify or amend the current law would be useful. The Ministerial Foreword includes the following:

“The current law is set out in section 2 of the Compensation Act 2006 (the Compensation Act) and aims to encourage those defending claims not to be deterred from offering apologies by a perception that doing so would constitute an admission of liability. While there is little empirical evidence to suggest how effective the current legislation is, the general view is that it has had very little impact as parties are understandably very averse to offering apologies for fear of liability being admitted.

This consultation, therefore, looks at the role of apologies generally within the sphere of civil justice and asks whether the Compensation Act is suitable or whether it should be replaced with new legislation, and if so, what the new regime should be. One fundamental question is whether it should be easier to make an apology. There are points to be made on both sides. Some argue that protected apologies help settle cases early and so it should be easier to make one. On the other hand, others believe that the apology will not assist in the resolution and therefore that the desire for one need not be addressed in an apologies statute.

Given that there is little empirical evidence, either in England and Wales or abroad, we would be interested to know real world examples of apologies. In addition, we would also be interested to know whether any reformed legislation should broadly reflect the approach taken in the [Apologies \(Scotland\) Act 2016](#)?

In addition, this consultation also takes forward the recommendation by the Independent Inquiry into Child Sexual Abuse to consider amending the Compensation Act to make clear that the provision on apologies extends to cases involving vicarious liability for child sexual abuse.”

Comment

The language of section 1 of the Scottish Act is possibly clearer in its terms than section 2 of the England & Wales Act:

“In any legal proceedings to which this Act applies, an apology made (outside the proceedings) in connection with any matter—

(a) is not admissible as evidence of anything relevant to the determination of liability in connection with that matter, and

(b) cannot be used in any other way to the prejudice of the person by or on behalf of whom the apology was made.”

Given the consultation document's references to IICSA and vicarious liability, the implications for some of the Churches in England and Wales are obvious; however, CLAS is not competent to offer a view as to whether or not the current law needs amending.

The consultation will close on **3 June**.

[Source: Ministry of Justice, 8 April]

EMPLOYMENT

Low Pay Commission consultation 2024

For information **and possibly for action**

On 2 April, the Low Pay Commission opened [a public consultation into the minimum wage for 2025 and beyond](#). It closes on **7 June 2024**.

[Source: Low Pay Commission, 2 April]

PROPERTY & PLANNING

New regime for social housing

For information **and possibly for action**

Social landlords will now be routinely inspected and held to account, to make sure that they provide their residents with good-quality homes and services. Those who do not abide by the new rules face a range of potential sanctions, including appointing new management or unlimited fines.

This represents the most significant change to the regulation of social housing in a decade, and follows the [Social Housing \(Regulation\) Act 2023](#). The new powers mean the Regulator can take action against social landlords where providers fall short.

The rules now require landlords:

- to have an accurate record on the condition of every home, based on checks of properties so that they can identify any problems and take action;
- to set clear timelines for the completion of repairs, maintenance and planned improvements and to communicate them clearly to tenants;
- to give tenants opportunities to influence and scrutinise their landlord's services, such as through meetings with tenant organisations;
- to provide tenants with information about their rights and how to make complaints; and
- to publish the new tenant satisfaction measures to make it clear how tenants feel their landlord is performing and to hold them to account.

[Source: Stone King, 26 March]

WALES

Proposed changes to land transaction tax reliefs

For information **and possibly for action**

This public consultation seeks views on the following proposals which the Welsh Government intends to put to the Senedd:

- the abolition of land transaction tax (LTT) multiple dwellings relief (MDR); and
- the extension of an existing LTT relief to Welsh local authorities when purchasing property for social housing purposes.

This consultation also seeks views on the following options:

- the abolition of the relief provided on the purchase of six or more dwellings in a single transaction, alongside the abolition of LTT MDR;
- the potential review or amendment of other LTT reliefs; and
- the possible impact on the Welsh language.

The consultation can be found [here](#), and will close on **19 May**.

[Source: Welsh Government, 11 April]