

CLAS CIRCULAR

2024/13 (13 September)

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**Decision-making for charity trustees**

For information

The Charity Commission has updated its guidance on [Decision-making for charity trustees \(CC27\)](#) to make it more accessible and easier to use. The legal requirements and expectations remain the same in the updated guidance, but the latest version focuses on “using plain English” and has been edited to be more concise.

[Source: Charity Commission, 9 September]

EMPLOYMENT

HMRC: Rates and thresholds for employers 2024 to 2025

For information

HMRC has published a comprehensive updated list of rates and thresholds for payrolls and for providing expenses and benefits to employees:

1. [PAYE tax and Class 1 National Insurance contributions](#)
2. [Tax thresholds, rates and codes](#)
3. [Class 1 National Insurance thresholds](#)
4. [Class 1 National Insurance rates](#)
5. [Class 1A National Insurance: expenses and benefits](#)
6. [Class 1A National Insurance: termination awards and sporting testimonial payments](#)
7. [Class 1B National Insurance: PAYE Settlement Agreements \(PSAs\)](#)
8. [National Minimum Wage](#)
9. [Statutory Maternity, Paternity, Adoption, Shared Parental and Parental Bereavement Pay](#)
10. [Statutory Sick Pay \(SSP\)](#)
11. [Student loan and postgraduate loan recovery](#)
12. [Company cars: advisory fuel rates](#)
13. [Employee vehicles: mileage allowance payments](#)
14. [Employment Allowance](#)
15. [Apprenticeship Levy](#).

[Source: HMRC, 2 September]

NORTHERN IRELAND

Northern Ireland Executive: Draft Programme for Government 2024-2027

For information **and possibly for action**

The Northern Ireland Executive has published a consultation on its draft Programme for Government 2024-7. Among the topics being consulted on are its plans for planning and social housing reform.

The Executive proposed to produce a Northern Ireland Housing Supply Strategy to allow for the long-term expansion of housing supply, as well as changing the planning system. It is also planning to guarantee a long-term public subsidy to support the expansion of social housing.

The full draft Programme for Government is [here](#). The consultation on the Programme is [here](#): it will close on **4 November**.

[Source: Northern Ireland Executive, 9 September]

PROPERTY & PLANNING

Renters' Rights Bill

For information and possibly for action

The Prime Minister's Office has published a [statement](#) expanding on the content of the [Renters' Rights Bill](#), which will apply to England.

The headline issue for the Churches is the ending of evictions under section 21 of the Housing Act 1988, which enables private landlords to repossess their properties from assured shorthold tenants without having to establish fault on the part of the tenant: the so-called "section 21 eviction".

The Bill will repeal that provision. However, under its proposals Ground 5 of the grounds for possession, for which two months' notice will be required, is where "The property is held for use by a minister of religion to perform the duties of their office and is required for occupation by a minister of religion". Under Ground 5C, two months' notice will also be required where "The dwelling was let as a result of the tenant's employment by the landlord and the employment has come to an end OR the tenancy was not meant to last the duration of the employment and the dwelling is required by a new employee" – which should presumably cover lay staff employed by places of worship.

The statement by the PM's office explains in greater detail the other issues that the Bill will cover. They include:

- **Ending tenancy bidding wars:** This provision will mandate a rental price for the property, and will prevent the asking for, encouraging of, or accepting of higher prices to prevent bidding wars between prospective tenants. This will also ban in tenancy rent hikes written into contracts.
- **Protection against discrimination:** Prevention against discrimination already exists for certain protected characteristics, but this Bill would prevent discrimination against those in receipt of benefits and those with children.
- **Applying Awaab's Law to the private sector:** The Social Housing and Regulation Act 2023 contained measures requiring social landlords to take responsibility for [a number of health risks within their properties](#), most particularly damp and mould, and that these cannot be blamed on tenants as 'lifestyle choices' caused by necessities like showering and cooking. It also required social landlords to fix these issues within a specific time frame. These were dubbed 'Awaab's Law'. The Government propose to use the Renters' Rights Bill institute these requirements into the private rented sector. It will also apply a [Decent Homes Standard](#) to the rented sector.

- **Other provisions:** Other provisions of the Bill would include creating a new private rented sector database and allowing tenants the right to request permission to keep a pet.

[Source: 10 Downing Street, 12 September]

Terrorism (Protection of Premises) Bill

For information

The Government has published the [Terrorism \(Protection of Premises\) Bill](#).

The previous Government's Terrorism (Protection of Premises) Bill, which had been the subject of three rounds of consultation (to all of which CLAS responded) and which would have imposed fairly light duties of compliance on most places of worship, fell at the Dissolution.

Paragraph 11 of Schedule 1 to the new Bill provides that premises used for 'communal worship or other communal religious practice' will be regarded as "standard duty premises". Further, under Clause 2(2)(a), a building will only be "qualifying premises" if 'it is reasonable to expect that from time to time 200 or more individuals may be present at the same time in connection with one or more uses specified in Schedule 1'. That would appear to exempt completely very small places of worship – such as, for example, most Friends' Meeting Houses. It remains to be seen whether it will exempt large rural church buildings with tiny congregations.

The scheme will be regulated by the Security Industry Authority. The provisions above extend to the UK generally.

[Source: UK Parliament, 12 September]

SCOTLAND

OSCR: consultation on changes to charity law

For information

OSCR is seeking views from charities and key stakeholders on prospective changes to charity law.

One of the major changes to be introduced amends the rules that automatically disqualify someone from undertaking certain functions within a charity. Currently, individuals are automatically disqualified from being a charity trustee if they:

- have an unspent conviction for an offence involving dishonesty or an offence under the Charities and Trustee Investment (Scotland) Act 2005;
- are an undischarged bankrupt or have a Protected Trust Deed;
- have been removed under either Scots or English law or the courts from being a charity trustee;
- have been disqualified from being a company director

The [Charities \(Regulation and Administration\) \(Scotland\) Act 2023](#) will extend the range of people that will be disqualified – for instance, those convicted of terrorism, or who are on the sexual offenders register. The rules will also apply to staff or volunteers undertaking a senior management function in a charity, not just to trustees.

OSCR has the power to waive disqualifications in cases where affected individuals apply for this to be done and is interested in views on how it should use this power. It seeks views on the following topics:

- What checks do you currently make on whether your trustees fall into any of the disqualification criteria?
- What else will you need to do to comply with the new measures?
- What would be the effect if you found that someone undertaking one of the affected functions was likely to be disqualified?
- What guidance should OSCR provide to a relevant person who will meet the criteria for automatic disqualification once the measure is introduced?
- What guidance should OSCR give to a relevant person who will be disqualified for a limited period of time following a change in their circumstances?

- What guidance do charities need if a person will be disqualified once the new measures are brought into effect?
- What factors should OSCR take into account in considering whether an individual's disqualification should be waived?
- How should charities ensure that they comply with the new criteria for automatic disqualification?
- What else do we need to consider regarding the automatic disqualification of people undertaking senior management functions within charities?

The short survey can be completed here: [Survey on automatic disqualification changes introduced by the Charities Act 2023](#). The consultation closes on 1 October.

To contribute beyond the survey or discuss the Act with officials, contact OSCR by e-mail: engagement@oscr.org.uk.

[Source: OSCR, 4 September]