



PARLIAMENTARY REPORT

February to May 2023

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BILL OF RIGHTS BILL

On 21 April, Dominic Raab resigned as Lord Chancellor and Secretary of State for Justice, to be replaced by Alex Chalk KC. On 8 May, *The Times* reported that the Bill of Rights Bill was to be dropped and that the Ministry of Justice had told its reporters that the new Justice Secretary had been 'looking carefully' at the Bill, while another Government source had described the Bill as a 'complete mess'.¹

MARRIAGE AND CIVIL PARTNERSHIPS (MINIMUM AGE) ACT 2022

The Marriage and Civil Partnership (Minimum Age) Act 2022 came into force on Monday 27 February 2023.

TREASURE (DESIGNATION) (AMENDMENT) ORDER 2023

Under the provisions of the Treasure Act 1996, as amended, newly discovered artefacts in England, Wales and Northern Ireland defined as 'treasure' are the property of the Crown, and the finder of an object that he or she believes to be treasure must notify the relevant authorities within 14 days. The Act currently applies to objects that are more than 300 years old and are made of precious metal or are part of a collection of valuable objects or artefacts.²

The Treasure (Designation) (Amendment) Order 2023 was made on 30 March and will come into force on 30 July. Article 2(4) designates an additional class of

- 1 M Dathan, 'Dominic Raab's bill of rights will be scrapped for a third time' (*The Times*, 8 May 2023). Raab subsequently announced that he would not be standing at the next general election.
- 2 It should be noted that in Scotland, all portable antiquities of archaeological, historical or cultural significance are subject to claim by the Crown as treasure trove and must be reported. The King's and Lord Treasurer's Remembrancer has issued a Code of Practice on reporting finds.

objects, any part of which is metal (but it does not have to be of *precious* metal), for the purposes of section 1(1)(b) of the 1996 Act which the Secretary of State considers to be of outstanding historical, archaeological or cultural importance. An object which belongs to that class will fall within the definition of 'treasure' if it is at least 200 years old when found.

Article 4(1) exempts objects that are subject to the faculty jurisdiction of the Church of England and found in or on land which is also subject to the faculty jurisdiction and held or controlled by an ecclesiastical corporation, Parochial Church Council or Diocesan Board of Finance. Also exempted are any objects found in or under a cathedral church or within its precinct.

REVISED PAROCHIAL FEES

Following a decision by General Synod on 8 February, the Parochial Fees (Amendment) Order 2023 was laid before Parliament on 28 February and came into force on 1 March.

DATA PROTECTION AND DIGITAL INFORMATION (NO. 2) BILL 2022–23

The Data Protection and Digital Information (No. 2) Bill 2022–23 was introduced in the House of Commons on 8 March. In a Written Ministerial Statement on 8 March, Michelle Donelan, Secretary of State for Science, Innovation and Technology, said that the Bill would, *inter alia*, 'reform the way births and deaths are registered in England and Wales, enabling the move from a paper-based system to registration in an electronic register': see Clauses 94 to 98. At the time of writing, it was at the Committee stage in the Commons.

LEVELLING-UP AND REGENERATION BILL

On 24 May, the House of Lords debated an amendment to the Levelling-up and Regeneration Bill tabled by the Bishop of Bristol which was intended to clarify the confused state of the law about the powers (or lack of them) of parish, town and community councils to make grants to places of worship. In reply to the debate, the Parliamentary Under-Secretary of State for Faith and Communities, Baroness Scott of Bybrook, said this:

The intention of the Local Government Act 1894 was to provide a clear separation between the newly created civil parishes and what are now parochial church councils. However, *the Government do not consider that it includes any general or specific provision that prohibits parish councils from funding the maintenance and upkeep of churches and other religious*

buildings. Parish councils have other powers that enable their contribution towards the upkeep of these buildings if it were deemed to be within their local communities' interest to do so. However, I understand the confusion and I thank the noble Lords who have raised these amendments. We have heard their concerns that the law may be ambiguous, and I know this is of great concern to parishes and noble Lords. I can assure them that we in the department are considering this issue carefully and will reflect on the comments made during this debate.³

DRAFT TERRORISM (PROTECTION OF PREMISES) BILL

On 2 May, the Government published the draft Terrorism (Protection of Premises) Bill.⁴ Possibly the most important aspect of the Bill for readers of this *Journal* is that the Government has kept to its undertaking that, regardless of capacity, all places of worship are to be treated as 'standard duty' premises unless they impose an admission charge, in which case they may come into the 'enhanced duty' category. The compliance obligations on 'standard duty' premises are much less onerous than for those in the higher category but, even so, the cost of compliance is estimated by the Government to be around £2,000—which might stretch the resources of very small congregations.

GOVERNMENT RESPONSE TO THE FINAL REPORT OF IICSA

After the publication of the final report by the Independent Inquiry into Child Sexual Abuse (IICSA) the Home Secretary, in an article in the *Mail on Sunday* in April, committed the Government to introducing mandatory reporting of child sexual abuse in England in unequivocal terms.⁵

That position was confirmed when the Government published its response to the report.⁶ The Government said that it accepted 19 of IICSA's 20 recommendations, including the recommendation on mandatory reporting.⁷ What this means for the seal of confession remains to be seen.

3 HL Deb 24 May 2023, vol 830 c131GC. Emphasis added.

4 See <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1154100/Terrorism__Protection_of_Premises__Draft_Bill_-_Command_Paper.pdf>, accessed 1 June 2023.

5 S Braverman, 'My mission to ensure there really is no hiding place for the evil gangs grooming our vulnerable young girls', *Mail on Sunday* (1 April 2023).

6 *Government Response to the Final Report of the Independent Inquiry into Child Sexual Abuse*, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1158298/Government_Response_to_IICSA_FINAL.pdf>, accessed 1 June 2023.

7 It rejected outright IICSA's recommendation for a ban on the use of pain compliance techniques on children in custodial institutions. However, on my understanding of the meaning of acceptance/rejection it also rejected the recommendation for a Cabinet-level Minister for Children, replying that 'This role is already fulfilled through the work of the Secretary of State for Education'—which is almost certainly, in my view, not what IICSA meant.

PROPOSED CHANGES TO EMPLOYMENT LAW

In the wake of its decision not to repeal most of the retained EU law at the end 2023 as originally planned, in May the Government announced proposals to amend some aspects of the Working Time Regulations and the Transfer of Undertakings (Protection of Employment) Regulations.

Of possible interest to readers of this *Journal* are the proposed amendments to the former, which will include reducing record-keeping requirements, permitting rolled-up holiday pay, and merging the basic and additional elements of annual leave into a single entitlement. The Department for Business and Trade published a consultation on the proposals⁸ which was due to close on 7 July.

ELECTIONS AND NON-PARTY CAMPAIGNING

On 19 April, the Electoral Commission published the final version of its new Code of Practice for non-party campaigners during elections to the Westminster Parliament and the Northern Ireland Assembly.⁹ Under the terms of sections 110A and 100B of the Political Parties, Elections and Referendums Act 2000, which was inserted by the Elections Act 2022, the draft Code must be laid before Parliament and is subject to the negative statutory instrument procedure: it will come into force 40 days after it has been laid unless either House resolves not to approve the draft. It will only apply to a General Election held after November 2023.

The previous Code gave rise to a lot of hard thinking among religious groups campaigning on issues such as poverty and immigration about the possible need to register prior to the last General Election – and Quakers in Britain registered as a non-party campaigner.

‘DOING GOD?’

In April, Colin Bloom, the Westminster Government’s Independent Faith Engagement Adviser and a former Chair of the Conservative Christian Fellowship, published his report, *Does Government ‘Do God?’*¹⁰ under the auspices of the Department for Levelling Up, Housing and Communities. Mr Bloom’s brief was to make recommendations to the Secretary of State on how central and local government should engage with faith groups in England.

8 See <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1156206/retained-eu-employment-law-consultation.pdf>, accessed 1 June 2023.

9 See <<https://www.electoralcommission.org.uk/non-party-campaigner-code-practice>>, accessed 1 June 2023.

10 See <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1152684/The_Bloom_Review.pdf>, accessed 1 June 2023.

SCOTLAND: FAITH AND BELIEF ENGAGEMENT STRATEGY

In the dying days of Nicola Sturgeon's administration, the Scottish Government published its *Faith and Belief Engagement Strategy*,¹¹ setting out the principles that will underpin its engagement with faith and belief communities: recognising diversity, effective communication, respecting disagreement, encouraging collaboration, and understanding representation. Its aims are to gain a more accurate picture of faith and belief across Scotland, to improve external engagement with faith and belief groups, to develop internal engagement on faith and belief within the Scottish Government and to review funding for faith and belief groups.

RELIGION AND THE CENSUS 2021

On 30 January, the Office for National Statistics published the statistics for religion by age and sex for the England and Wales Census 2021. The statistics reveal that those who identified as 'Christian' in response to the voluntary question in the tick-box response options had the oldest average age (51) compared with an average age of 40 for the overall population of England and Wales. The youngest group were Muslims, with an average age of 27, followed by those who reported 'No religion', with an average age of 32.¹²

JOINT COMMITTEE ON HUMAN RIGHTS

The Joint Committee on Human Rights opened an inquiry entitled 'Human Rights at Work'.¹³ The call for evidence closed on Friday 24 March.

ENGLAND & WALES: CHARITIES ACT 2022

In May, the Department for Culture Media and Sport published an updated timetable for implementing the Charities Act 2022,¹⁴ as follows:

Provisions expected to come into force in June 2023:

- i. Sections 9–14 and 35(a): Permanent endowment.
- ii. Sections 17, 19–22: Charity land.

11 See <<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/03/faith-belief-engagement-strategy/documents/faith-belief-engagement-strategy/faith-belief-engagement-strategy/govscot%3Adocument/faith-belief-engagement-strategy.pdf>>, accessed 1 June 2023.

12 See <<https://www.gov.uk/government/statistics/religion-by-age-and-sex-england-and-wales-census-2021>>, accessed 1 June 2023. (As in 2011, I ticked 'other' – on the basis that I genuinely do not know whether Quakers are Christians or not.)

13 See <<https://committees.parliament.uk/call-for-evidence/3054/>>, accessed 1 June 2023.

14 See <<https://www.gov.uk/guidance/charities-act-2022-implementation-plan>>, accessed 1 June 2023.

- iii. Sections 25–28: Charity names.
- iv. Sections 38 and 39: Connected persons.
- v. Part of Section 40 and Schedule 2: Minor and consequential amendments.

Provisions expected to come into force by the end of 2023:

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

Provisions under further consideration prior to commencement:

- i. Sections 15 and 16: *Ex Gratia* payments.

ENGLAND & WALES: CHARITY COMMISSION PUBLICATIONS

The Charity Commission has updated its guidance on *Internal Financial Controls for Charities (CC8)*,¹⁵ on managing charities' financial activity and using internal financial controls to reduce the risk of loss. The guidance has been re-designed and updated to reflect changes to practice and the law.

The Commission has also published *Charity Annual Return 2023: Question Guide*,¹⁶ to help charities in England and Wales understand what information they will need to prepare for the 2023 Annual Return. The updated Annual Return will apply to charities' financial years ending on or after 1 January 2023.

NORTHERN IRELAND: ANNUAL REPORTING BY CHARITIES

The Charity Commission for Northern Ireland reminded charity trustees about their legal duty to submit their charity's accounts and reports each year, starting

15 See <<https://www.gov.uk/government/publications/internal-financial-controls-for-charities-cc8/internal-financial-controls-for-charities>>, accessed 1 June 2023.

16 See <<https://www.gov.uk/government/publications/charity-annual-return-2023-question-guide/charity-annual-return-2023-question-guide>>, accessed 1 June 2023.

with the first full financial year beginning on or after 1 April 2022. In recent years, some charities have not been obliged to submit their annual reports and accounts to the Commission each year because of the hiatus in registration caused by the decision of the Court of Appeal in *McKee*¹⁷ that the Commission could not delegate power to register charities to its officials; however, the Charities Act (Northern Ireland) 2022 overturned that judgment and restored the *status quo ante*, with the result that all charities are once again legally required to report annually to the Commission.

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17 *McKee & Hughes v The Charity Commission for Northern Ireland* [2020] NICA 13.