

CLAS CIRCULAR 2023/05 (15 March 2023)

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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FAITH & SOCIETY

A Modern Framework for Disposing of the Dead

For information **and possibly for action**

The Law Commission is undertaking a [review](#) of the law governing burial and cremation and new methods of disposal of the dead. The Law Commission intends that the project:

- "will seek to create a future-proof legal framework for disposal of the dead";
- "will include a review of the laws governing burials and cremation and consideration of the creation of a regulatory framework for safe and dignified new processes"; and
- "will consider the legal status of a person's wishes about what happens to their body following death as well as the rules governing who else has the right to make decisions about disposal of the deceased's body".

The project was launched in December 2022 and is currently at the scoping stage and there will be a consultation exercise in due course, probably towards the end of 2023. However, we have been in touch with the Commissioner responsible for the project, Professor Nick Hopkins, and he would be interested in hearing of any issues that CLAS members feel should be included in the scoping exercise. We hope to reply to Professor Hopkins within the next two or three weeks, so **could any member who has thoughts on this please e-mail us as soon as possible?**

[Source: Law Commission, 6 March]

Church of England parochial fees

For information

Non-Anglican members in England may possibly be interested in the changes in Church of England parochial fees.

Following a decision by the 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. The revised Tables of Parochial Fees are available on the C of F webpage [Life events parochial fees and guidance](#) in the form of an [A3 table](#), an [A4 table](#), and a [Summary](#) which incorporates the A4 tabular material, including the Notes.

[Source: Church of England, nd]

NORTHERN IRELAND

Consultation on Section 75 Equality Action Plan 2022-2025

For information **and possibly for action**

Section 75 of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions as they relate to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories.

The Department for Communities has announced a [consultation](#) – ending on 31 May – on its draft Section 75 Action Plan, which has been developed to address the inequalities identified in the recent Audit of Inequalities as far as possible within the Department's functions, budget and approved programmes of work.

[Source: Department for Communities, 7 March]

Private Tenancies Act (Northern Ireland) 2022

For action

Sections 1 – 6 of the [Private Tenancies Act \(Northern Ireland\) 2022](#) will come into force on **1 April 2023**. The new legislation will affect both landlords and tenants in the private rented sector and member denominations that rent surplus church property should note the following. From 1 April:

- Landlords must provide tenants with a notice containing tenancy information – including current tenants who have not already received this type of tenancy information.
- Landlords must provide tenants with a notice of variation when any changes are made to their tenancies.
- Landlords must provide receipts for any cash payment in relation to a tenancy.
- Landlords are only permitted to take or hold on to a tenancy deposit of no more than one month's rent.
- There will be increased time periods for protecting and providing information on tenancy deposits; and

- Failure to protect a tenancy deposit will become a continuing offence, as the previous six-month time barrier to prosecution of tenancy deposit offences has been removed.

In the lead up to the changes, the Department for Communities is making tenants and landlords aware of how it may impact them. More detailed information is available on the Private Tenancies Act part of the Department's website, [here](#).

All private landlords who let a property under a private tenancy should be registered under the [Landlord Registration Scheme](#).

[Source: Department for Communities, 1 March]

PROPERTY & PLANNING

Permitted development rights: supporting renewable energy

For information

DLUHC has [published](#) a consultation – closing 25 April – on proposed changes to permitted development rights to support recreational camping, renewable energy and film-making. As part of the proposals, and to support the British energy security strategy, DLUHC is consulting on changes to the existing solar rights and proposing the introduction of a new right to allow the construction of solar canopies above existing off-street car parks in non-domestic settings.

[Source: DLUHC, 28 February]

Surveying biodiversity in churchyards

For information **and possibly for action**

A biodiversity survey supported by environmental charities *A Rocha UK* and *Caring for God's Acre* will take place from **3 to 11 June**. The data will be used to determine where rare and endangered species are located across the country and to aid churches of all denominations to increase biodiversity on their land for the enrichment of the environment and local communities.

Churches across all denominations take part in the count each year. In the last two years, 900 counting events took place across churches in England and Wales and over 27,000 wildlife records were submitted to *Caring for God's Acre*.

This year's survey is the first in three years to take place without COVID restrictions. Congregations that wish to participate can register [here](#).

[Source: Church of England, 8 March]

The end of 'no fault' section 21 evictions

For information

The House of Commons Library has published a research briefing on [the end of 'no fault' section 21 evictions](#).

[Source: House of Commons Library, 7 March]

SCOTLAND

Reforming the criminal law to address misogyny

For information **and possibly for action**

The Scottish Government has [published](#) a consultation – closing 8 March – on reforming criminal law to address misogyny. The proposals include draft legislative provisions which give effect to the an [Independent Working Group on Misogyny and Criminal Justice recommendation](#) for criminal law reform contained in the report.

[Source: Scottish Government, 8 March]

Scottish Parliament approves 3% rent cap

For information

The Scottish Government has [announced](#) that private rent increases will be capped at 3% and restrictions will remain on enforcement of evictions. The changes to the Cost of Living (Tenant Protection) Act will mean that from 1 April 2023:

- If a private landlord chooses to increase a tenant's rent mid-tenancy, the increase will be capped at 3%.
- Private landlords will alternatively be able to apply for a rent increase of up to 6% to help cover certain increases in costs in defined and limited circumstances.
- Enforcement of evictions will continue to be paused for up to six months except in a number of specified circumstances.
- Increased damages for unlawful evictions of up to 36 months' worth of rent will continue to apply.

[Source: Scottish Government, 8 March]

TAXATION

Spring Budget 2023

For information

There was relatively little in today's Budget that appears likely to interest members of CLAS.

The Chancellor announced a £100m fund to support charities and community organisations with services and energy efficiency. Support is targeted at organisations most at risk because of increased demand from vulnerable groups and higher delivery costs, as well as providing investment in energy efficiency measures to reduce future operating costs.

The Chancellor is withdrawing tax reliefs for non-UK charities and donors/suppliers from April 2023, but overseas charities that qualified for relief on 15 March 2023 will be able to continue to claim relief until April 2024 to give time for them to make appropriate adjustments. He also announced increased direct funding to nurseries from September. The energy price guarantee will remain at the £2,500 cap for the next three months – until 30 June 2023.

The Government [published](#) its response to its business rates review. It intends to expand the local retention of business rates to more areas in the next Parliament and will work closely with interested councils to achieve this.

There was no change either to the basic rate income tax threshold or to the higher rate thresholds – which means, in effect, that more will be drawn into income tax and HRT as a result of wage inflation.

[Source: HM Treasury, 15 March]

WALES

Planning Policy Wales: net benefit for biodiversity and ecosystems' resilience

For information **and possibly for action**

The Welsh Government has [published](#) a consultation – closing 31 May – on net benefit for biodiversity and ecosystems resilience. The consultation proposes changes to the planning system that improve biodiversity and the resilience of ecosystems in Wales, including in:

- Sites of Special Scientific Interest;
- trees and woodlands; and
- green infrastructure.

[Source: Welsh Government, 9 March]