

CLAS CIRCULAR 2020/21 (8 July 2020)

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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.

FAITH & SOCIETY	2
COVID-19: update	2
Guidance for small marriages and civil partnerships	4
Maintaining records of staff, customers and visitors to support NHS Test and Trace	5
NORTHERN IRELAND	7
Resumption of indoor baptisms weddings and civil partnerships	7
ODDS & ENDS	8
Chancellor's 'Plan for Jobs' statement	8

FAITH & SOCIETY

COVID-19: update

For action

The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020

The [Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) Regulations 2020](#) were laid on 3 July and came into force on 4 July – except in Leicester. They revoke the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (except for Regulation 2) and the subsequent amending Regulations.

On the same day, MHCLG published [COVID-19: guidance for the safe use of places of worship during the pandemic](#), which provides advice on how places of worship may now open, for limited permitted activities, in a manner that is safe and in line with social distancing guidelines. Importantly, the guidance notes that:

‘This guidance is of a general nature and should be treated as a guide. In the event of any conflict between any applicable legislation (including the health and safety legislation) and this guidance, the applicable legislation shall prevail.’

The wording of Regulation 5 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 has resulted in a degree of confusion on whether the limit of 30 persons applied to worship other than marriages, funerals and baptisms.

[Regulation 5\(1\)](#) applies to:

- a gathering of more than 30;
- that takes place in a private dwelling, a boat or an outdoor public space.

[Regulation 5\(4\)](#) applies to:

- a gathering of more than 30;
- that takes place indoors; and
- which would attract [s.63\(1\) Criminal Justice and Public Order Act 1994](#) if it took place on land in the open air: *which means that it applies to indoor raves* (which is what 63(1) CJOA 1994 is about).

On our reading, therefore, Regulation 5 does *not* appear to apply to gatherings indoors in property operated by a charitable institution (which covers almost all places of worship, of whatever religion or denomination).

The numbers set out in the guidance

The following table in the guidance 'sets out where it is advisable to limit the number of people within a place of worship due to the potential for increased spread of COVID-19':

Activity	Advised gathering limit
Communal worship, including prayers, devotions or meditations led by a Minister of Religion or lay person.	Limits for communal worship should be decided on the basis of the capacity of the place of worship following an assessment of risk (see Section 5 'Restrictions on Capacity'). Social distancing should be strictly adhered to (see Section 5 'Social distancing').
Marriage ceremonies	Marriage ceremonies should have no more than 30 people in attendance. Attendance should also be within the capacity limits of the premises so that social distancing can be strictly adhered to. See more detail in the guidance for small marriages and civil partnerships during the coronavirus (COVID-19) pandemic.
Funerals	Funerals should have no more than 30 people in attendance. Attendance should also be within the capacity limits of the premises so that social distancing can be strictly adhered to. In some cases that may be less than 30 people. See more detail in the COVID-19: guidance for managing a funeral during the coronavirus pandemic.
Other life cycle ceremonies.	Other life cycle ceremonies should have no more than 30 people present, unless the life cycle rite takes place during routine communal worship. Consideration should also be given to the capacity limits of the premises in order that strict social distancing can be adhered to (See section 5 'Social distancing').

This guidance applies to places of worship when being used for a religious purpose or in preparation for a religious purpose' [emphasis added].

On that basis, it would appear that it is legal to hold a service with more than 30 people in a large place of worship *always provided that*:

- those responsible have carried out a proper risk assessment – for which, see Annex A of the guidance;
- it is not a wedding or a funeral or another freestanding 'life cycle ceremony' (defined in the guidance as a religious ceremony 'to mark rites of passage, which are separate, self-contained

ceremonies as opposed to marking a life cycle event or rite in the course of routine communal worship. not celebrated during a normal worship service') – so a baptism during a Eucharist is not restricted by the 30-person rule but a “private” baptism is so restricted; and

- social distancing is observed.

The Church of England's [COVID-19 Advice on the Conduct of Public Worship](#) puts the position like this:

- an advisory 'cap' of 30 has been set for weddings and other 'stand-alone' services such as baptism and confirmation if not conducted during 'routine communal worship';
- there is no numerical 'cap' on other services, but social distancing and Public Health requirements must be met;
- the two-metre 'rule' applies for public worship except in situations where closer contact cannot be avoided and extra Public Health precautions must then be taken; and
- consideration should be given to keeping numbers below the maximum possible further to minimise risk.

[The Health Protection \(Coronavirus, Restrictions\) \(England\) \(Amendment\) \(No. 4\) Regulations 2020](#), now revoked, made specific reference to the inclusion of “communal worship” within the ‘Further restrictions and closures during the emergency period’ under Regulation 5 of SI 2020/350; however, ***there is no reference to “communal worship” in the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020*** – hence the uncertainty in its interpretation.

[Source: DHSC, 2 July, www.legislation.gov.uk, 3 July, MHCLG 3 July]

Guidance for small marriages and civil partnerships

For action

MHCLG has also [updated](#) its guidance for small marriages and civil partnerships in England. The guidance is designed to assist people and venues to host small marriage ceremonies or civil partnerships in England, in accordance with the associated legislation that came into effect on 4 July 2020.

[Source: MHCLG, 4 July]

Maintaining records of staff, customers and visitors to support NHS Test and Trace

For action

DHSC has [published](#) guidance for the organisations who should collect details and maintain records of staff, customers and visitors on their premises, to support the NHS Test and Trace service (the service). This guidance applies to certain establishments which provide an on-site service, as well as to any events that take place on its premises. It does not apply to drop-off deliveries made by suppliers or contractors. An overview of the guidance is included below.

Organisations should keep a temporary record of customers and visitors for 21 days, ***in a way that is manageable for the organisation***, and assist NHS Test and Trace with data requests. This applies to establishments in the following sectors - whether indoor, outdoor or mobile venues:

- hospitality, including pubs, bars, restaurants and cafés
- tourism and leisure, including hotels, museums, cinemas, zoos and theme parks
- close contact services, including hairdressers, barbershops and tailors
- facilities provided by local authorities, including town halls and civic centres for events, community centres, libraries and children's centres
- places of worship, including use for events and other community activities.

The following information should be collected by the venue, where possible:

- The names of staff who work at the premises, as well as a contact phone number for each member of staff, and the dates and times that they worked.
- For customers or visitors:
 - The name of the customer or visitor or the name of the 'lead member' of a group and the number of people in the group.
 - A contact phone number for each customer or visitor, or for the lead member of a group
 - The date of visit, arrival time and, where possible, departure time
 - If a customer will interact with only one member of staff (e.g. a hairdresser), the name of the assigned staff member should be recorded alongside the name of the customer.
 - If not collected in advance, this information should be collected at the point that visitors enter the premises, or at the point of service if impractical to do so at the entrance.

Individuals can opt-out of sharing their details for the purposes of NHS Test and Trace and if they do so, organisations should not share their information. Organisations do not have to verify the information provided.

Organisations should hold records for 21 days, after which the information should be securely disposed of or deleted – unless they were made and kept for other business purposes. Collected data

must comply with GDPR rules and should not be kept for longer than is necessary. ICO has published [guidance](#) to this effect.

GDPR allows organisations to request and share the information with NHS Test and Trace and it is not necessary to seek individual consent. However, organisations should make clear why the information is being collected and what they intend to do with it. The guidance suggests that organisations display a notice at the premises or on the website setting out what the data will be used for and the circumstances in which it might be accessed by NHS Test and Trace.

While consent is not required, the Government recommends that consent is sought in sensitive settings such as **places of worship** or other philosophical/religious groups or health support groups. This is because of the potentially sensitive nature of the data collected in these circumstances.

If you are contacted by NHS Test and Trace:

Contact tracers will:

- call you from 0300 013 5000
- send you text messages from 'NHStracing'
- ask you to sign into the [NHS Test and Trace contact-tracing website](#).

Contact tracers will never:

- ask you to dial a premium rate number to speak to them
- ask you to make any form of payment or purchase a product or any kind
- ask for any details about your bank account
- ask for your social media identities or login details, or those of your contacts
- ask you for any passwords or PINs, or ask you to set up any passwords or PINs over the phone
- disclose any of your personal or medical information to your contacts
- ask about protected characteristics that are irrelevant to the needs of test and trace
- provide medical advice on the treatment of any potential coronavirus symptoms
- ask you to download any software to your PC or ask you to hand over control of your PC, smartphone or tablet to anyone else
- ask you to access any website that does not belong to the government or NHS.

If you receive a request for information from NHS Test and Trace this does not mean that you must close your establishment. NHS Test and Trace will, if necessary, undertake an assessment and work with you to understand what actions need to be taken. If there is more than one case of COVID-19 on your premises, you should contact your [local health protection team](#) to report the suspected outbreak.

[Source: DHSC, 2 July]

NORTHERN IRELAND

Resumption of indoor baptisms weddings and civil partnerships

For information

On 6 July, the Northern Ireland Executive [announced](#) indicative arrangements for the resumption of indoor weddings, civil partnerships and baptisms.

Ministers have agreed that places of worship will be able to resume baptisms and indoor marriage ceremonies from **Friday, 10 July** - local government offices and other venues will be able to resume marriage and civil partnership ceremonies from the same date. It will be for individual venues to determine their precise opening dates for ceremonies and whether or not they wish to provide post-ceremony celebrations.

Numbers attending indoor marriage and civil partnership ceremonies and post-ceremony celebrations will be determined by the venue on the basis of a risk assessment, *'taking account of the individual circumstances of each and adhering to all relevant public health advice and industry guidance'*.

The proposed changes to the coronavirus restrictions will be confirmed by the Executive on **Thursday, 9 July**. The press release notes that 'couples contacting Registrars and officiants to rearrange their marriages should be aware that there is a backlog of couples waiting but every effort will be made to accommodate everyone as soon as possible'.

[Source: Northern Ireland Executive, 6 July]

ODDS & ENDS

Chancellor's 'Plan for Jobs' statement

For information

The Chancellor, Rishi Sunak, has [announced](#) a '[Plan for Jobs](#)' as part of the Government's plan for the UK's recovery from the Coronavirus outbreak. A summary of the Chancellor's statement is as follows:

- **Job Retention Bonus:** The Government will introduce a one-off payment of £1,000 to UK employers for every furloughed employee who remains continuously employed through to the end of January 2021. Employees must earn above the Lower Earnings Limit (£520 per month) on average between the end of the Coronavirus Job Retention Scheme and the end of January 2021. Payments will be made from February 2021. Further detail about the scheme will be announced by the end of July.
- **£2bn Kickstart Scheme:** The scheme – opening next month with no cap on numbers – will provide funding for employers to create new 6-month work placements for 16-24-year-olds who claim Universal Credit and are at risk of long-term unemployment. The funding will cover 100% of the National Minimum Wage over those 6 months (as well as the associated employer National Insurance contributions and employer minimum automatic enrolment contributions) for jobs that offer a minimum of 25 hours a week. Employers will also be able to top this wage up.
- **£2bn Green Homes Grant:** From September, homeowners and landlords will be able to apply for vouchers to carry out works to make their homes more energy efficient. The grants will cover at least two-thirds of the costs (up to £5k) and will cover the whole cost for low-income houses.
- **Temporary Stamp Duty Land Tax (SDLT) cut:** The Government will temporarily increase the Nil Rate Band of Residential SDLT, in England and Northern Ireland, from £125,000 to £500,000. This will apply from 8 July 2020 until 31 March 2021.
- **"Eat Out, to Help Out":** For the month of August, every diner will be entitled to a 50% discount of up to £10 per head on his or her meal at any participating restaurant, café, pub or other eligible food service establishment. The discount can be used unlimited times and will be valid Monday to Wednesday on any eat-in meal (including on non-alcoholic drinks) for the entire month of August 2020 across the UK. Participating establishments will be fully reimbursed for the 50% discount.
- **VAT cut:** From 15 July 2020 to 12 January 2021, the reduced (5%) rate of VAT will apply to supplies of food and non-alcoholic drinks from restaurants, pubs, bars, cafés and similar premises across the UK, as well as to supplies of accommodation and admission to

attractions across the UK. Further guidance on the scope of these reliefs will be published in due course.

[Source: Parliament, 8 July]