

CLAS CIRCULAR

2025/10 (8 July)

Disclaimer

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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.

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CHARITIES & CHARITY LAW

Data (Use and Access) Act 2025

For information

The [Data \(Use and Access\) Act 2025](#) has received Royal Assent; it updates key aspects of data protection law. Changes include clarifying how personal information can be used for research; lifting restrictions on some automated decision making; setting out how to use some cookies without consent; allowing charities to send people electronic mail marketing without consent in certain circumstances; requiring organisations to have a data protection complaints procedure and introducing a new lawful basis of recognised legitimate interests.

The Act gives the Information Commissioner's Office new powers, including the ability to compel witnesses to attend interviews, to request technical reports, and to issue fines of up to £17.5 million or 4% of global turnover under the Privacy and Electronic Communications Regulations.

The ICO has published information to support organisations and the public as these changes are introduced. It includes:

- an [outline what the Act means for organisations](#);
- an [outline of what the Act means for law enforcement agencies](#);
- a [detailed summary](#) of the changes for data protection experts;
- the ICO's [new and planned guidance web page setting out what guidance to expect and when](#);
- an [outline of how the ICO will continue its regulatory work as the Act is implemented](#); and
- a [guide for the public on how the Act will affect them](#).

[Source: Information Commissioner's Office, 19 June]

National Churches Trust survey: a reminder

Possibly for action?

As we have mentioned previously, the NCT is running a National Churches Survey to give policymakers, the media and the wider public a better understanding of the challenges that churches face and to highlight the work that they do. The survey has the support of denominations, faith and heritage groups across the country, and the NCT is encouraging as many as possible to take part.

As we understand it, ***it will only be of any use if individual places of worship respond*** – it's not the kind of survey that is appropriate for corporate responses.

The survey is [here](#): it closes on **13 July**.

[Source: HRBA, 12 June]

Wills

For information

The Fundraising Regulator has published the outcome of [an inquiry into Centrepoint Christian Church](#), in which it was alleged by the deceased's relatives that the charity had prepared the deceased's new will and that the will had been witnessed by trustees of the charity.

The Regulator concluded that the charity *had*, in fact, been directly involved in the drafting of a will in August 2021. In doing so, it had been in breach of the Code of Fundraising Practice:

“15.4.1 You (or your fundraiser) must not draft, or be directly involved in drafting, wills in your favour.”

[Source: Fundraising Regulator, 18 June]

Implementing the Employment Rights Bill

For information

The Government has published a [roadmap for implementing the Employment Rights Bill](#).

Introduction

The Department explains that “while the Employment Rights Bill sets out the policy clearly in primary legislation, key details of how many of the individual measures will work in practice will be consulted on, agreed and then set out in secondary legislation and regulations. We are working at pace to deliver on our commitment to Make Work Pay, engaging and consulting early to make sure we get the detail right as part of our Plan for Change”.

Preparing for the implementation of the Bill

Some measures will take effect shortly following Royal Assent. These include:

- Repealing most of the Trade Union Act 2016 and the Strikes (Minimum Services Levels) Act 2023, and protections against dismissal for taking industrial action.

The Bill will give the Government a series of powers in primary legislation which can then be used to define the detailed policy in secondary legislation or regulations, supported by Codes of Practice and guidance: “To develop this policy, we may need to consult and, in some cases, amend, revoke or draft new Codes of Practice. Others, such as Acas, will also need to consult on Codes of Practice where amendments or new Codes, may be required”.

Upcoming consultations

Summer/ Autumn 2025:

- Reinstating the School Support Staff Negotiating Body (SSSNB).
- Fair Pay Agreement for the Adult Social Care sector.
- Giving employees protection from unfair dismissal from 'day 1', including on the dismissal process in the statutory probation period.

Autumn 2025:

- A package of trade union measures including electronic balloting and workplace balloting; simplifying trade union recognition processes; a duty to inform workers of their right to join a trade union; and right of access. New

rights and protections for trade union representatives will be covered by an Acas Code of Practice consultation.

- Fire and rehire.
- Regulation of umbrella companies.
- Bereavement leave.
- Rights for pregnant workers.
- Ending the exploitative use of Zero Hours Contracts.

Winter/ early 2026:

- A package of trade union measures including protection against detriments for taking industrial action, and blacklisting.
- Tightening tipping law.
- Collective redundancy.
- Flexible working

Finalising policy

Following consultation, the Government will develop final policy positions. In some instances they will be set out in regulations, in others in guidance or Codes of Practice by the Government or others such as Acas. *Some measures may require more than one round of consultation, especially if there is a need to update or develop a Code of Practice.* Commencement timings will be informed by the insights from consultation and engagement. The Government will ensure that employers, workers, trade unions and other stakeholders are given time to prepare for change.

Phasing when measures take effect

Policy measures will take effect in phases. Common commencement dates (6 April and 1 October) will be used to commence most regulations laid using the powers in the Bill.

Measures that will take effect at Royal Assent or soon afterwards:

- Repeal of the Strikes (Minimum Service Levels) Act 2023.
- Repeal of the great majority of the Trade Union Act 2016 (some provisions will be repealed via a commencement order at a later date).
- Removing the 10-year ballot requirement for trade union political funds.
- Simplifying industrial action notices and industrial action ballot notices.
- Protections against dismissal for taking industrial action.

Measures that will take effect in April 2026:

- Collective redundancy protective award – doubling the maximum period of the protective award.

- 'Day 1' Paternity Leave and Unpaid Parental Leave.
- Whistleblowing protections.
- Establishing the Fair Work Agency.
- Removing the Statutory Sick Pay Lower Earnings Limit and waiting period.
- Simplifying the trade union recognition process.
- Electronic and workplace balloting.

Measures that will take effect in October 2026:

- Fire and rehire.
- Bringing forward regulations to establish the Fair Pay Agreement Adult Social Care Negotiating Body.
- Procurement - two-tier code.
- Tightening tipping law.
- Duty to inform workers of their right to join a trade union.
- Strengthening trade unions' right of access.
- Requiring employers to take "all reasonable steps" to prevent sexual harassment of their employees.
- Introducing an obligation on employers not to permit the harassment of their employees by third parties.
- New rights and protections for trade union representatives.
- Employment tribunal time limits.
- Extending protections against detriments for taking industrial action

Commencement of the Mandatory Seafarers Charter is expected to be in **December 2026**.

Measures that will take effect in 2027:

- Gender pay gap and menopause action plans (introduced on a voluntary basis in April 2026).
- Rights for pregnant workers.
- Introducing a power to enable regulations to specify steps that are to be regarded as "reasonable", to determine whether an employer has taken all reasonable steps to prevent sexual harassment.
- Blacklisting.
- Industrial relations framework.
- Regulation of umbrella companies.
- Collective redundancy – collective consultation threshold.
- Flexible working.
- Bereavement leave.

- Ending the exploitative use of Zero Hours Contracts and applying ZHC measures to agency workers.
- 'Day 1' right to protection from unfair dismissal.

Implementation of the gender pay gap outsourcing measure will be dependent on timelines for broader changes to pay gap reporting, including related measures in the draft Equality (Race & Disability) Bill.

[Source: Department of Business & Trade, 1 July]

FAITH & SOCIETY

EHRC guidance following the Supreme Court ruling in *For Women Scotland v Scottish Ministers*

For information

The Equality and Human Rights Commission has [updated its interim guidance](#) following the judgment in *For Women Scotland v Scottish Ministers*. The updated section now reads:

“In relation to **workplaces**, requirements are set out in the Workplace (Health, Safety and Welfare) Regulations 1992. These require suitable and sufficient facilities to be provided including toilets and sometimes changing facilities and showers. Toilets, showers and changing facilities may be mixed-sex where they are in a separate room lockable from the inside. Where changing facilities are required under the regulations, and where it is necessary for reasons of propriety, there must be separate facilities for men and women or separate use of those facilities such as separate lockable rooms.”

[Source: EHRC, 24 June]

NORTHERN IRELAND

Consultation on the dissolution of marriage and civil partnerships

For information **and possibly for action**

The Northern Ireland Department of Finance has launched a [consultation on the law on divorce and the dissolution of marriage and civil partnerships](#).

The current legislation on divorce, the Matrimonial Causes (NI) Order 1978, allows for divorce on grounds of fault (unreasonable behaviour, adultery and desertion) or no-fault (evidenced by separation). The dissolution of a civil partnership similarly comprises fault and no-fault grounds, though adultery is not a ground for the dissolution of a civil partnership.

The options included in the consultation are:

- no-fault divorce evidenced by separation, as in the Republic of Ireland;
- administrative no-fault divorce, similar to the law in England and Wales, under which one party can apply for a divorce which cannot be challenged; and
- no change to the current, substantive law.

The consultation opened on 23 June and ends on **26 September 2025**. For further information and to participate in the consultation online visit Consultation on Divorce and the Dissolution of Civil Partnerships. Further information [here](#).

[Source: NI Department of Finance, 23 June]

SCOTLAND

Improving the current law on the dissolution of SCIOs

For information **and possibly for action**

The Scottish Government is [consulting on the dissolution of Scottish Charitable Incorporated Organisations](#), which would include making changes to existing regulations. The consultation also seeks views on changes to SCIO dissolution applications, removal from the Scottish Charity Register, and restoration processes. The proposals come from recommendations from a 2019 working group, although Covid-19 and the Charities (Regulation and Administration) (Scotland) Act 2023 delayed implementation. Depending on views submitted, the Scottish Government plans to introduce amendment regulations to the Scottish Parliament in early 2026. The amendments will be made under sections 64 and 103 of the Charities and Trustee Investment (Scotland) Act 2005.

Further guidance for anyone who is considering setting up a charity, particularly those interested in becoming a SCIO, and those existing charities which are considering changing their legal form to a SCIO, can be found [here](#). It will also be useful to advisers to charities and anyone working with charities.

The consultation opened on 20 June 2025 and closes on **11 September 2025**. Responses can be submitted [here](#).

[Source: Scottish Government, 20 June]