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PARLIAMENTARY REPORT

February to May 2024

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The General Election and the legislative programme

On 22 May, standing outside the door of No. 10 in pouring rain (and for some unfathomable reason sans umbrella), the Prime Minister announced that there would be a General Election on 4 July and Parliament was duly prorogued on 24 May and dissolved on 30 May. Before that, however, there was a flurry of legislative business by agreement between the two front benches.

Among the bills that failed to reach the statute book was the Criminal Justice Bill. In February, the Government announced that it would be introducing amendments to the Bill to make it a legal requirement for anyone in regulated activity relating to children in England, including teachers or healthcare professionals, to report child sexual abuse. The amendments had been published in advance of the Report Stage.[1]

The Special Envoy for Freedom of Religion or Belief Bill,[2] a private Member's bill sponsored by Fiona Bruce MP which had completed its Commons stages on 17 May, was also a casualty of Prorogation. It would have put the role of Special Envoy on a formal footing and require every Prime Minister to appoint one, as recommended by the Bishop of Truro in his report on International Religious Freedom.

Leasehold and Freehold Reform Act

The Government's Leasehold and Freehold Reform Bill was given Royal Assent on 24 May.

The purpose of the Act is to end leasehold tenancy. The Church Commissioners,[3] along with seven other charities including the London

1 Government Amendments can be seen here: <criminal_rm_rep_0509.pdf (parliament.uk)>, accessed 18 May 2024.

2 <https://publications.parliament.uk/pa/bills/cbill/58-04/0191/230191.pdf>, accessed 18 May 2024.

3 The second reading remarks and committee speech from the Bishop of Manchester are available here:

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Diocesan Fund, is seeking compensation for the loss of Marriage and Hope Value. This is a particular issue that primarily affects charitable bodies which hold land and property in high-value areas of London on long-term residential lettings; in the case of the Commissioners, the proceeds go to provide resources to support parishes and projects in the more deprived parts of England. It is also feared that the loss of income will have a drastic effect on the operating ability of the other seven charities.

The issue is not thought to affect Wales and, except for a single technical provision, the Act does not extend to Northern Ireland or Scotland.

Asylum seekers

In an extraordinary outburst at Prime Minister's Questions on 7 February, Tim Loughton MP (East Worthing and Shoreham) (Con) said this about asylum seekers:

> In the 10 years to COVID, the number of baptisms in the Church of England has fallen from 140,000 a year to 87,000, so Christianity in the UK seems to be on the wane, unless, apparently, you are from a Muslim country in the middle of an asylum claim. We are now told that one in seven occupants of the *Bibby Stockholm* has suddenly become a practising Christian. Given that the Church of England has now issued secret guidance to clergy supporting asylum applications for these Damascene conversions, to whom is the Church accountable? Are taxpayers being scammed by the Archbishop?'[4]

The Archbishop of Canterbury took the unusual step of publishing a response to Loughton's accusation on the following day:

> Over the last week, it has been disappointing to see the mischaracterisation of the role of churches and faith groups in the asylum system. Churches up and down the country are involved in caring for vulnerable people from all backgrounds. For refugees and those seeking asylum, we simply follow the teaching of the Bible which is to care for the stranger.
>
> It is the job of the Government to protect our borders and of the courts to judge asylum cases. The Church is called to love mercy and do justice. I encourage everyone to avoid irresponsible and inaccurate comments – and let us not forget that at the heart of this conversation are vulnerable people whose lives are precious in the sight of God.[5]

Second Reading: <https://hansard.parliament.uk/Lords/2024-03-27/debates/6E0E6D44-1FA4-4CC3-9C26-6FBE5C9C9820/details#contribution-4A89D423-13B1-4D21-88E4-115F9233BF06>, Committee: <https://hansard.parliament.uk/Lords/2024-04-24/debates/41AEEEFB-9040-4CA9-B946-4EA0AC7EA189/details#contribution-1694EA6E-6514-4D57-A040-4FADBFF08841>, accessed 18 May 2024.

4 HC Deb (2023-24) 7 February 2024, vol 745, col 244.

5 Church of England, 'Statement: In Response to Prime Minister's Questions', available at <https://www.archbishopofcanterbury.org/news/news-and-statements/statement-response-prime-ministers-questions>, accessed 18 May 2024.

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On 12 March, the Commons Home Affairs Committee held a one-off evidence session on the subject with various representatives of the Churches, including the Bishop of Guildford and the Secretary of the Catholic Bishops' Conference of England and Wales. Following them, the Committee took evidence from the Minister of State, Tom Pursglove MP, and Home Office officials, who could offer no evidence to support the allegations of Loughton and former Home Secretary Suella Braverman.[6] Subsequently, the Committee published written evidence from the Archdeacon of Auckland regarding Matthew Firth's allegations.[7] A supplementary note from the Minister of State for Legal Migration and the Border regarding the Faith Leaders Working Group was also published.[8]

A new definition of 'extremism'

In March, the Westminster Government announced a new definition of 'extremism', as follows:

> Extremism is the promotion or advancement of an ideology based on violence, hatred or intolerance, that aims to:
>
> 1. negate or destroy the fundamental rights and freedoms of others; or
> 2. undermine, overturn or replace the UK's system of liberal parliamentary democracy and democratic rights; or
> 3. intentionally create a permissive environment for others to achieve the results in (1) or (2).[9]
>
> The new definition replaces the 2011 wording: 'vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs'.

In advance of the Government's statement, the Archbishops of Canterbury and York warned that any new definition risked 'disproportionately targeting Muslim communities' and called on the Government 'to reconsider its approach and instead have a broad-based conversation with all those who it will affect'.[10]

6 House of Commons Home Affairs Committee, 'Oral evidence: Asylum decision-making and conversion to Christianity' HC 595, available at <https://committees.parliament.uk/oralevidence/14460/pdf/>, accessed 18 May 2024.

7 Home Affairs Select Committee: Written evidence from the Archdeacon of Auckland regarding claims by Matthew Firth, available at <committees.parliament.uk/writtenevidence/129733/pdf/>, accessed 18 May 2024.

8 Supplemental evidence from the Minister of State for Legal Migration regarding the Faith Leaders Working Group, <committees.parliament.uk/writtenevidence/129621/pdf/>, accessed 18 May 2024.

9 Department for Levelling Up, Housing & Communities, *Guidance: New Definition of Extremism (2024)*, available at <https://www.gov.uk/government/publications/new-definition-of-extremism-2024/new-definition-of-extremism-2024>, accessed 18 May 2024.

10 Church of England, 'Joint Statement: Archbishops warns [*sic*] Government over new extremism definition', available at <https://www.archbishopofcanterbury.org/news/news-and-statements/joint-statement-archbishops-warns-government-over-new-extremism-definition>, accessed 18 May 2024.

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Perhaps more surprisingly, three former Conservative Home Secretaries – Priti Patel, Sajid Javid and Amber Rudd – were among a dozen signatories to an open letter urging the Government to seek a cross-party consensus before announcing any new official definition.[11]

Draft Terrorism (Protection of Premises) Bill

As noted in the last issue, the Government announced that before the final version of the Terrorism (Protection of Premises) Bill was introduced it would 'launch a consultation on the standard tier to ensure the Bill's measures strike the right balance between public protection and avoiding undue burdens on smaller premises such as village halls, churches and other community venues'.[12]

The consultation duly took place between 5 February and 18 March; unfortunately, it was in an online format that made no separate provision for representative bodies that do not own public venues themselves, such as the Association of English Cathedrals, to make coherent representations from a policy standpoint. In the event, the Bill was not introduced – but the issue is unlikely to go away.

Charities Act 2022: commencement

On 7 March, the Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024 brought into force the third tranche of provisions of the Charities Act 2022:

i. Section 1: alteration of charitable company's purposes;
ii. Section 2: amendments to constitution of CIOs;
iii. Section 3: powers of unincorporated charities);
iv. In section 18 (exceptions to restrictions on dispositions or mortgages of charity land), sub-section (1) in so far as it relates to the provisions of section 18(2)(a), (2)(c) and (3)(a);
v. Section 23: Information to be included in certain instruments;
vi. Section 29: Powers relating to appointments of trustees;
vii. Section 31: Remuneration etc of charity trustees etc;
viii. Section 33: Gifts to merged charity;
ix. Section 34: Vesting declarations: exclusions;
x. Section 35: Vesting permanent endowment following a merger (for the remaining purposes);
xi. Section 37: Public notice as regards Commission orders etc (for the remaining purposes);
xii. Section 40: Minor and consequential provision (in so far as it relates to the provisions brought into force by paragraph 13 of Schedule 1);

11 Full text in K Stacey, 'Three Tory ex-home secretaries warn against politicising anti-extremism' (*The Guardian*, 10 March 2024).

12 Prime Minister's Office, 'The King's Speech: Background Briefing Notes' 7 November 2023), 72, available at <https://assets.publishing.service.gov.uk/media/654a21952f045e001214dcd7/The_King_s_Speech_background_briefing_notes.pdf>, accessed 18 May 2024.

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xiii. The following paragraphs of Schedule 2 (minor and consequential amendments): paragraph 1 (insofar as it relates to paragraphs 2 to 10 of Schedule 2), and paragraphs 2–10, 29 and 38 (for the remaining purposes) and paragraphs 42–44;

The Charity Commission issued comprehensive updates to its various guidance notes to reflect the latest changes in the law introduced by the Act – for which see 'Charities Act 2022: information about the changes being introduced'.[13]

Charities (Regulation and Administration) (Scotland) Act 2023: commencement

The first tranche of provisions of the Charities (Regulation and Administration) (Scotland) Act 2023 which confer additional powers on the Office of the Scottish Charity Regulator (OSCR) came into effect on 1 April:

i. Section 8: Appointment of interim trustees by OSCR.
ii. Section 10: Preservation of and access to charity accounts and independent reports on accounts.
iii. Section 11: Independent reports: minor and consequential modifications.
iv. Section 12: Removal of non-responsive charities for failure to submit accounts.
v. Section 15: Inquiries about former charities etc.
vi. Section 17: Ability to issue positive directions.
vii. Section 18: Charities which it is not appropriate for OSCR to regulate (the section confers power to refuse registration to a charity for lack of connection to Scotland).

Church of England (Miscellaneous Provisions) Measure 2024

The Church of England (Miscellaneous Provisions) Measure 2024 was given Royal Assent on 25 January. On 13 May, the Church of England (Miscellaneous Provisions) Measure 2024 (Commencement, Transitional and Saving Provisions) Order 2024 brought into force the provisions of the Measure that had not come into force on Royal Assent except for section 11(5), which relates to a provision of canon law providing for diocesan safeguarding officers that has not yet been implemented.

Clergy Discipline (Amendment) Rules 2024

The Clergy Discipline (Amendment) Rules 2024 amend the Clergy Discipline Rules 2005; they came into force on 22 March.

Rule 2 amends Rule 74 of the 2005 Rules to provide for the Archbishops' List under section 83 of the Ecclesiastical Jurisdiction and Care of Churches

13 Available at:<https://www.gov.uk/guidance/charities-act-2022-guidance-for-charities?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=361e0fd4-24fe-45ad-8640-d0f9cf3a53c2&utm_content=daily>, accessed 18 May 2024.

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Measure 2018 to be made available to suffragan bishops as well as to diocesan bishops.

Rule 3 amends Rule 106 to expand the definitions of 'provincial registrar' and 'registrar' to include a deputy registrar or other person appointed under section 29 or 31 of the 2018 Measure. It also corrects the definition of 'bishop' to remove the unnecessary reference to area bishops.

Admission criteria for faith schools in England

Currently, faith schools in England may not admit more that 50 per cent of pupils on the basis of their religious adherence. In May, the Government announced a consultation on removing the 50 per cent cap on faith admissions, 'with the aim of enabling all faith groups to apply to open new faith free schools' and allowing 'new special academies and existing special academies with a recognised faith ethos to apply to be designated as having a religious character'.[14] The consultation was to close on 20 June; it remains to be seen whether the proposal is revived in the new Parliament.

Apologies and civil proceedings

Section 2 of the Compensation Act 2006 (Apologies, offers of treatment or other redress) was enacted to make it easier for organisations to apologise for their actions without admitting civil liability: it reads, 'An apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or breach of statutory duty'.

On 8 April, the Ministry of Justice launched a consultation, *Reforming the Law of Apologies in Civil Proceedings in England and Wales*,[15] on whether section 2 remains adequate or whether it would be useful to clarify or amend the current law. The Ministerial Foreword includes the following:

> While there is little empirical evidence to suggest how effective the current legislation is, the general view is that it has had very little impact as parties are understandably very averse to offering apologies for fear of liability being admitted. This consultation, therefore, looks at the role of apologies generally within the sphere of civil justice and asks whether the Compensation Act is suitable or whether it should be replaced with new legislation, and if so, what the new regime should be.
>
> [...]
>
> In addition, this consultation also takes forward the recommendation by the Independent Inquiry into Child Sexual Abuse to consider amending the

14 <https://consult.education.gov.uk/faith-schools-policy-team/faith-school-designation-reforms/consultation/subpage.2024-04-17.9025937805/>, accessed 18 May 2024.

15 Available at <https://assets.publishing.service.gov.uk/media/66101d79c4c84d00113469f8/Reforming_the_Law_of_Apologies_in_Civil_Proceedings_in_England_and_Wales_consultation__web_.pdf>, accessed 18 May 2024.

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Compensation Act to make clear that the provision on apologies extends to cases involving vicarious liability for child sexual abuse.

Given the numerous proceedings in which religious bodies have been found vicariously liable for abuse committed by their members and employees, the consultation may be of interest to practitioners. The consultation was to close on 3 June; it may well be that it is the kind of technical issue that could survive a change of government.

Tynwald and the Bishop's vote

The Isle of Man Constitution Bill 2023[16] is a private Member's bill introduced in the House of Keys by Lawrie Cooper MHK on 28 November 2023, which would remove the Bishop of Sodor and Man's right to vote (though not to sit) in the Legislative Council and Tynwald Court. The Bill was the subject of an online public consultation, the results of which were announced in March. There were 2934 responses: 51 per cent were in favour of removing the Bishop's vote and 49 per cent in favour of retaining it.[17] The Bill was considered in the House of Keys on 27 March and 23 April, when it passed its clauses stage. It was read the third time on 30 April and was set down for first reading in the Legislative Council on 11 June.[18]

It was announced on 19 May that the new Bishop of Sodor and Man was to be the Ven Tricia Hillas, currently Archdeacon and Canon of Westminster and Chaplain to Mr Speaker. Whether she will still have a vote in the Legislative Council when she takes her seat remains to be seen.

16 <https://legislation.gov.im/cms/images/LEGISLATION/BILLS/2023/2023-0009/2023-0009.pdf>, accessed 18 May 2024.

17 A Blake, 'Public divided over removing bishop's Tynwald vote' (*BBC News*, 15 March 2024).

18 For a helpful explanation of the procedural options for further progress on the Bill, see P Edge, 'Isle of Man: Bishop's vote Bill to go to Legislative Council' (Law & Religion UK, 24 May 2024), <https://lawandreligionuk.com/2024/05/24/isle-of-man-bishops-vote-bill-to-go-to-legislative-council/>, accessed 24 May 2024.

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