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PARLIAMENTARY REPORT

February to May 2025

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Church of Scotland (Lord High Commissioner) Act 2025

On 10 December 2024, it had been announced that 'The King has approved the appointment of Lady Elish Angiolini LT DBE PC KC FRSE as His Majesty's Lord High Commissioner to the General Assembly of the Church of Scotland'.[1] Lady Elish, a former Lord Advocate who is currently Lord Clerk Register and Principal of St Hugh's College Oxford, is a Roman Catholic. As a result, on 13 February, the Church of Scotland (Lord High Commissioner) Bill was introduced into the Commons; its purpose was to repeal the provision in section 12 of the Roman Catholic Relief Act 1829 (offices withheld from Roman Catholics) which debars Roman Catholics from holding the office of Lord High Commissioner.

The debates in both Commons and Lords were brief and consensual, and the Bill received Royal Assent on 3 April,[2] although during the debate in the Lords, Lord True (Con) noted that the Government had told Peers in a letter of 5 March that the Government was considering how to address historic restrictions on Roman Catholics and Jews advising the Crown on appointments in the Anglican Church[3]; and the Earl of Dundee (Con) took the opportunity to raise the wider issue of the need to re-examine the Roman Catholic Relief Act 1829 and the Jews Relief Act 1858 more generally in light of the Equality Act 2010 and Article 9 ECHR.[4]

The need for the legislation appears to have been the result of an oversight. While the Bill was awaiting Royal Assent, Charlie Dewhirst (Bridlington and The Wolds, Con) asked the Minister for the Cabinet Office what information his Department had held about the eligibility of Lady Elish for the position of Lord High Commissioner when her appointment was announced. To which the Minister of State at the Cabinet

[1] Prime Minister's Office, 'Appointment of the Lord High Commissioner of the General Assembly of the Church of Scotland: 10 December 2024', https://www.gov.uk/government/news/appointment-of-the-lord-high-commissioner-of-the-general-assembly-of-the-church-of-scotland-10-december-2024.

[2] For the text, see https://www.legislation.gov.uk/ukpga/2025/9/contents/enacted. For a fuller discussion of the background to the Bill and the debates, see F Cranmer, 'Religious Discrimination and the Church of Scotland (Lord High Commissioner) Act 2025', *Law & Justice* (forthcoming).

[3] HL Deb vol 844 c 1250.

[4] HL Deb vol 844 c 1254.

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Office, Douglas Alexander, replied that, following the announcement of Lady Elish's appointment, 'it became clear that there is a legal restriction against a Catholic person being appointed to the role'.[5]

Terrorism (Protection of Premises) Act 2025

The Terrorism (Protection of Premises) Act 2025 received Royal Assent on 3 April. The Government issued a factsheet on the operation of the Act which suggests that it will probably not come into force until 2027 at the earliest:

> Whilst those that fall within scope of the Act may wish to begin considering the requirements, they should note that there will be no legal requirement to comply until the legislation comes into force. The Home Office will publish statutory guidance during the 24-month implementation period. This guidance will assist those responsible to understand the requirements set out in the legislation. It is being designed to be easy to follow, needing neither particular expertise nor the use of third-party products or services.[6]

Commons debate on safeguarding in the Church of England

On Monday 3 March, the Commons had a surprisingly full debate on safeguarding in the Church of England.[7]

Luke Myer (Middlesbrough South and East Cleveland, Lab) opened the debate by emphasising the importance of addressing abuse within the Church of England and outlined the long history of safeguarding failures within the Church, referencing numerous reports and inquiries that had led to little substantial change. He was critical of the Church's response, describing its safeguarding processes as inadequate and inconsistent, and said that the General Synod's recent decision on a two-stage approach to implementation of Professor Jay's recommendations was deeply disappointing.

Marsha De Cordova (Battersea, Lab), the Second Church Estates Commissioner, emphasised the need for justice, dignity, and respect for survivors of abuse and called for perpetrators to be fully held to account. The failures in safeguarding, past and present, had led to concerns about the Church of England's inconsistency and lack of transparency in handling abuse cases. She supported a fully independent safeguarding operation within the Church and said that it had been 'a huge disappointment … that the Synod chose not to back a wholly independent model of safeguarding'. She urged the Church to treat independent safeguarding as an

[5] HC Deb (2024-25) UIN 42043, https://questions-statements.parliament.uk/written-questions/detail/2025-03-27/42043.

[6] Home Office (2025), 'Terrorism (Protection of Premises) Act 2025: Overarching Factsheet', https://www.gov.uk/government/publications/terrorism-protection-of-premises-act-2025-factsheets/terrorism-protection-of-premises-act-2025-overarching-factsheet.

[7] HC Deb (2024-25) vol 763 cc 125–140.

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urgent matter: the Makin review had to be 'a watershed moment for the Church to transform both its culture and its safeguarding structures'.[8]

Jess Phillips, Parliamentary Under-Secretary of State for the Home Department and Minister for Safeguarding, condemned all forms of abuse and agreed that institutional inaction exacerbated survivors' trauma. While the Government could not 'tell the Synod what it has to do', she reiterated that failures in safeguarding were not to be tolerated; the fundamental point was that, 'big or small, rich or poor, organisations that are in a position of power and responsibility and are working with children or vulnerable adults have a safeguarding responsibility'. The Government had:

> made a commitment to introduce a mandatory duty for those working with children to report sexual abuse and exploitation, making it a clear legal requirement for anyone in regulated activity – which will include the Church – relating to children in England to report to the police or the local authority if they are made aware that a child is being sexually abused. We are pleased that that commitment was introduced last week in the Crime and Policing Bill. We are also committed to making grooming an aggravating factor, toughening up sentencing and setting up a new victims and survivors panel, and we will set out a clear timeline for taking forward the 20 recommendations of the final IICSA report on child sexual abuse.[9]

The position of the Lords Spiritual

In our last report, we noted that in January, Baroness Harman had tabled a New Clause (Proposals for removing the Lords Spiritual) to the House of Lords (Hereditary Peers) Bill[10] which, had it been agreed to, would have begun the process of removing the Lords Spiritual from the Upper House; however, she was unsuccessful.

In April, Baroness Smith of Llanfaes (Plaid Cymru) tabled a written question asking His Majesty's Government 'when they will review the right of Church of England bishops to sit in the House of Lords'. To which Baroness Anderson of Stoke-on-Trent, a Baroness in Waiting, replied:

> The Government is supportive of the inclusion of individuals from all backgrounds in the House of Lords and believes the second chamber is enriched by members who bring diverse experience. This includes the Lords Spiritual.[11]

Which sounds like a pretty firm 'No'.

[8] Ibid, c 133.

[9] Ibid, c 139.

[10] https://bills.parliament.uk/publications/56858/documents/5337.

[11] HL Deb (2024-25) UIN HL6587, https://questions-statements.parliament.uk/written-questions/detail/2025-04-03/HL6587.

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Defining Islamophobia

In March, the Government announced the establishment of a new working group to produce a 'working definition' of Anti-Muslim Hatred and Islamophobia.[12] It will advise the Government on how best to understand, quantify and define prejudice, discrimination and hate crime targeted against Muslims. The working group is to be chaired by Dominic Grieve KC, a former Conservative Attorney General, who emphasised that the group's proposed definition would be non-statutory and would have to be compatible with 'the unchanging right of British citizens to exercise freedom of speech and expression – which includes the right to criticise, express dislike of, or insult religions and/or the beliefs and practices of adherents'.[13] That commitment was reiterated in the Terms of Reference that were published subsequent to the announcement.[14]

Church Measures

The Chancel Repair (Church Commissioners' Liability) Measure 2025 and the Church Funds Investment Measure 2025 received Royal Assent on 3 April.

The Ecclesiastical Committee sat formally to discuss the Clergy Conduct Measure on 10 June; at the time of writing, neither House had set a date to debate the Committee's report. The Measure, as drafted, will update the current Clergy Discipline Measure and is intended to come into force in the new year. The new complaints process has been streamlined and made more proportionate in its outcomes, provides protections for vexatious complaints, and deals with a broader range of complaints under three strands of grievance, misconduct and serious misconduct.

Other legislation

By the end of the period under review, the Government had still not introduced the promised bill on Cyber Security and Resilience or the draft bills on Conversion Practices and on Equality, Race and Disability. Assuming that this is an annual rather than a multi-year session – which we do not yet know – legislative time is beginning to run out, particularly for highly controversial legislation such as the Terminally Ill Adults (End of Life) Bill.

[12] Ministry of Housing, Communities and Local Government (2025), 'Government launches working group on anti-Muslim hatred/Islamophobia definition', https://www.gov.uk/government/news/government-launches-working-group-on-anti-muslim-hatredislamophobia-definition.

[13] Ibid.

[14] https://assets.publishing.service.gov.uk/media/67e12094d8e313b503358c7c/Anti-Muslim_Hatred_Islamophobia_Definition_Working_Group_Terms_of_Reference_March_2025.pdf.

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European Convention of Human Rights

On 20 March, the House of Lords debated a motion moved by Lord Alton of Liverpool to take note of the 75th anniversary of the ECHR, during which Baroness Chapman of Darlington, Minister of State for International Development, confirmed that 'this Government are firmly committed to the European Convention on Human Rights, and we will never leave it'.[15]

Crime and Policing Bill

The Crime and Policing Bill – the vehicle by which the Government proposes to introduce mandatory reporting of child sexual abuse – made steady progress through the Commons and was due to have its report stage on 4 June. Various MPs were also proposing amendments around freedom of speech, freedom to protest and civil disobedience, and various changes to the current legislation on abortion: decriminalisation, reducing the time limit for abortion from 24 to 22 weeks, making Early Medical Abortion at home illegal, and ending the prosecution of women who have experienced unexplained pregnancy loss.

[15] HC Deb (2024-25) vol 844 c 1397.

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