

# URC Thames North Trust Legal Updates & Round Up

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# CHARITY COMMISSION: DISPLAY OF TRUSTEE LEGAL NAMES ON THE CHARITY REGISTER

- ▶ The Charity Commission has extended the deadline for applying to remove a trustee's legal name from public display on the charity register from 1 September 2019 to **1 April 2020**, in order to give trustees more time to apply for a dispensation if needed: see [Display of trustee legal names on the charity register](#). The 'display name' feature will be removed on that date.

# MARRIAGE LAW

**Some changes to marriage law in England and Wales are currently receiving a good deal of publicity.**

# MARRIAGE REGISTRATION

- ▶ Under the **Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019**
- ▶ Opposite-sex couples are now able enter into civil partnerships.
- ▶ Mothers' names can now be included in Marriage Registers as well as (or in place of) fathers' names.

# MARRIAGE REGISTRATION

- ▶ The Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019 will also alter the **procedures for registering marriages**.
- ▶ The detail of the new marriage registration scheme will be set out in regulations which have not yet been published. The timing of the regulations is not yet known.
- ▶ The regulations will be subject to the affirmative resolution procedure, meaning that they require the approval of both Houses of Parliament to become law.
- ▶ Once more is known, Church House will ask synods to inform local churches and ministers promptly.

## WIDESCALE REVIEW OF MARRIAGE LAW

- ▶ The Government announced in the 2018 Budget that it was asking the Law Commission to conduct a full review of marriage/wedding law and the project began on 1 July 2019.
- ▶ The current law dates back to 1836 and it is thought to not meet the needs of many modern couples.
- ▶ The aim of the project is to look at a reformed law that allow couples greater choice within a simple, fair and consistent legal structure, so that people can have a wedding that is meaningful to them.
- ▶ The current law is thought to be unduly complex and different rules apply depending on the type of ceremony: Anglican, Jewish, Quaker, other religious group, or civil wedding.

# WIDESCALE REVIEW OF MARRIAGE LAW

- ▶ The Law Commission intends to issue a consultation paper during 2020, before reporting to Government in 2021.
- ▶ The outcome of this review project will take a long time to come to fruition, as it will eventually need to be considered in Parliament.

# TENANT FEES BAN

- ▶ The tenant fee ban came into force on **1 June 2019**.
- ▶ The ban essentially means that agents are only allowed to ask prospective and current tenants to pay for the following:
  - ▶ Rent
  - ▶ A capped refundable Tenancy Deposit (maximum 5 weeks rent)
  - ▶ A capped refundable Holding Deposit (maximum 1 weeks rent)
  - ▶ Payments in the event of a default
  - ▶ The loss of a key to, or other security device giving access to, the property to which the tenancy relates - only reasonable costs allowed.
  - ▶ Interest on late payment subject to a maximum charge of 3% above the Bank of England base rate.



# TENANT FEES BAN

- ▶ Payment on variation, assignment or novation of a tenancy
- ▶ When a tenant has requested it, landlords and letting agents can charge to vary, assign or replace a tenancy
- ▶ Payment on termination (surrender) of a tenancy
- ▶ Payments in respect of Council Tax
- ▶ Payments for utilities (electricity, gas or other fuel, water or sewage)
- ▶ Payments for a television licence
- ▶ Communication services (telephone other than a mobile telephone, the internet, cable television, satellite television)
- ▶ Green Deal charge

# NEW AST AGREEMENT TEMPLATE

- ▶ URC Thames North Trust has a new revised Assured Shorthold Tenancy Agreement available for use in residential lettings.

# KEY REQUIREMENTS FOR ASTs

- ▶ That all **referencing checks** have been adequately carried out.
- ▶ That any rent deposit has been protected in a **tenancy deposit scheme**.
- ▶ That the following information/documents have previously been provided to the tenant(s):
  - ▶ the **prescribed information** for tenancy deposits;
  - ▶ an **EPC** for the property;
  - ▶ a **gas safety certificate** for the property (if applicable).

## KEY REQUIREMENTS FOR ASTs

- ▶ the Department for Communities and Local Government's publication **“How to rent: the checklist for renting in England”**;
- ▶ **an electrical installation condition report**;
- ▶ that any **licensing requirements** have been complied with, in particular that a HMO licence is in place if the property is not occupied by one family.

## Hiring or Leasing?

- ▶ **Flow-diagram** available setting out the circumstances when a hiring agreement will suffice, and the circumstances when a formal lease, properly excluded from security of tenure under the Landlord and Tenant Act 1954, is the safest course of action.
  - ▶ Hiring Agreements - standard hiring agreement available.
  - ▶ Leases - will require the Trust's involvement and signature.

# SAGEGUARDING POLICIES

- ▶ Important for churches to have in place a Safeguarding Policy- referred to in clause 26 of the hiring agreement and the safeguarding statement.
- ▶ There is a need to make the policy available to users of premises, especially where they do not have their own policy in place.
- ▶ The Charity Commission has updated its guidance on [safeguarding and protecting people for charities and trustees](#).
- ▶ The updates include when to consider DBS checks and how to put into practice policies and procedures.
  - ▶ <https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>

# GDPR

## URC Resources

- ▶ The documents available on the Church House website - <https://urc.org.uk/GDPR.html> - to help churches comply with GDPR.
  1. Checklist - “Establishing Good Data Protection Practice in Your Church”
  2. “Hints and Tips - Good Data Protection Practice”
  3. Privacy Notice Template
  4. Consent Template

## GDPR

# Good Data Protection Practice Hints and Tips

- ▶ • Respect everyone's privacy.
- ▶ • Ensure that paper records are kept in a locked cupboard.
- ▶ • Do not disclose any personal information about an individual without first obtaining that person's consent - that includes, address, telephone number, email address, age, birthday, names of family members.
- ▶ • When emailing groups of people always put their email addresses in the 'bcc' row rather than the 'To' row. This prevents an individual's email address being visible to all the recipients



GDPR

## Good Data Protection Practice Hints and Tips

- ▶ • If you are sharing birthday information (age or date) about an individual with others always ask for the individual's permission first. Ideally this should be in writing.
- ▶ • When mentioning pastoral concerns or praying for identifiable individuals take reasonable steps to ensure that the individual (and anyone else who may be directly or indirectly involved) is willing for this to happen.

# GDPR

## GOOD DATA PROTECTION PRACTICE

### HINTS AND TIPS

- ▶ • When minuting pastoral concerns, refrain from mentioning names and the nature of the concern.
- ▶ • Prayer lists should be confidentially destroyed immediately after they have been used.
- ▶ • Personal data held on laptops, data sticks and other portable electronic devices should be encrypted.

# GDPR

## GOOD DATA PROTECTION PRACTICE

### HINTS AND TIPS

- ▶ • If using cloud storage ensure that the servers are located within the European Economic Area (EEA) and take reasonable steps to ensure security.
- ▶ • Order your records - minimise what you keep.
- ▶ • Check that existing and former officers/elders/committee members are not retaining their own copies of personal data in paper form or electronically. Seek their confirmation that all such data has been returned or destroyed.

## DELEGATION OF POWERS IN RELATION TO CASUAL HIRINGS

- ▶ Required confirmation that resolutions have been passed by the Elders and Church Meeting.
- ▶ Information originally to have been received by 28<sup>th</sup> February 2018 (letters and enclosures, including draft resolutions were sent out in October 2017)
- ▶ Directors Meeting of the Trust passed the first enabling resolution in March 2018.

# Guidance for Ministers and Elders on Trusteeship

- ▶ [http://www.urch.org.uk/images/Elders\\_2014/EldersAsCharityTrustees-ChurchLandBdgs.pdf](http://www.urch.org.uk/images/Elders_2014/EldersAsCharityTrustees-ChurchLandBdgs.pdf)

There is a booklet is for Ministers and Elders of local URC congregations in England and Wales. It covers two main subjects:

- (1) the role of Ministers and Elders (who together constitute Elders' Meetings) as charity trustees; and
- (2) the responsibility of managing and looking after church land and buildings.

Are there any questions?