



PARLIAMENTARY REPORT

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DEATH OF HER MAJESTY THE LATE QUEEN ELIZABETH II

On 7 July, Boris Johnson announced his resignation as leader of the Conservative Party following a wave of resignations from his administration. He remained as caretaker Prime Minister until September while the Conservative Party chose a new leader. On 5 September 2022, it was announced that Liz Truss had won the Conservative leadership election and she replaced him as Prime Minister on the following day after an audience of the Queen at Balmoral. That proved to be Her Majesty's last public engagement; on 8 September, it was announced that she had died that afternoon.

His King Majesty Charles III was proclaimed at the Accession Council on 10 September in the State Apartments of St James's Palace. Parliament met for tributes and for Peers and Members to take the Oath of Allegiance and on 12 September both Houses met in Westminster Hall to present a Loyal Address to His Majesty. Parliament then adjourned until after Her Majesty's State Funeral on 19 September.

The Cabinet Office published *Guidance for the public and businesses on the period of National Mourning*¹ and the Department for Levelling Up, Housing and Communities issued *National Mourning period: guidance for faith and belief groups and places of worship*, intended for England.²

THE BILL OF RIGHTS BILL

One of the first casualties of regime change appears to have been the much-criticised Bill of Rights Bill. It had been due for its Commons second

¹ Available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1103626/The_demise_of_Her_Majesty_Queen_Elizabeth_II_National_Mourning_Guidance_1.pdf> accessed 12 September.

² Available at <https://www.gov.uk/guidance/national-mourning-period-guidance-for-faith-and-belief-groups-and-places-of-worship>, accessed 12 September 2022.

reading debate on 12 September; however, there were widespread media reports quoting a ‘Government source’ to the effect that the Bill was unlikely to progress in its current form and that the new administration was ‘reviewing the most effective means to deliver the objectives of the Bill as a whole’;³ which is not to say that it might not reappear in a different guise.

MARRIAGE AND CIVIL PARTNERSHIP (MINIMUM AGE) ACT 2022

In August, the Ministry of Justice announced that the Marriage and Civil Partnership (Minimum Age) Act 2022 will be brought into effect from Monday 27 February 2023: 16- and 17-year-olds will no longer be able to marry or enter a civil partnership in England and Wales under any circumstances, including with parental or judicial consent, from 26 February 2023.

POLICE, CRIME, SENTENCING AND COURTS ACT 2022 AND POSITIONS OF TRUST

Section 47 of the Police, Crime, Sentencing and Courts Act 2022 came into effect on 28 June. It amends the Sexual Offences Act 2003 by inserting a new section 22A into the 2003 Act, thereby expanding the meaning of ‘position of trust’ to include the situation in which (a) A coaches, teaches, trains, supervises or instructs B, on a regular basis, in a sport or a religion, and (b) A knows that they coach, teach, train, supervise or instruct B, on a regular basis, in that sport or religion, where ‘religion’ includes ‘a religion which involves belief in more than one god, and a religion which does not involve belief in a god’.

DEANERY OF JERSEY

On 19 July, the Privy Council made The Attachment of Jersey to the Diocese of Salisbury Order 2022 under the powers in the Channel Islands Measure 2020. The Order transfers episcopal responsibility for Jersey from the Bishop and Diocese of Winchester to the Bishop and Diocese of Salisbury.

FACULTY JURISDICTION RULES

The Faculty Jurisdiction (Amendment) Rules 2022 came into force on 1 July. The Church House Legal Office has prepared an informal Keeling Schedule of the Faculty Jurisdiction Rules 2015 incorporating the 2022 amendments,

3 For example, David Wilcock, “Truss pulls the plug on Bill of Rights designed to free UK from European courts and aid illegal immigration clampdown amid fears law would fail to get through the Commons—but No. 10 insists objectives have not been “shelved” (*Daily Mail*, 7 September 2022).

available at: <<https://ecclawsoc.org.uk/wp-content/uploads/2022/07/Faculty-Jurisdiction-Rules-2015-amended-up-to-2022.pdf>>.

FACULTY OFFICE CONSULTATION

The Faculty Office has been seeking views on its Business Plan for the next three years. Because the Business Plan can only be met if the Office retains its funding, which for its regulatory side is largely met by the annual practising certificate fee, the Office consulted on the level of the Practising Certificate Fee payable by Notaries for the year from 1 November 2022 to 31 October 2023. The consultation closed on 12 August 2022.

CHARITY COMMISSION ANNUAL RETURN

In June 2022, the Charity Commission launched a consultation on proposed changes to the Annual Return. The Commission proposes that it will ask a series of core, fixed questions which will be obligatory, but charities will be able to choose which other questions they answer, depending on their circumstances. The number of questions that charities would need to answer would increase overall, but the Commission hopes that the benefits of collection of the additional data will outweigh the increased burden on charities.

In addition, charities will have further reporting obligations depending on their income and structure, as follows:

- (1) Income below £10,000: an annual update to the Commission which will include any changes to the charity's/trustees' details and their income and expenditure for the year;
- (2) Income above £10,000: an annual return to the Commission;
- (3) Income between £25,000 and £250,000: annual accounts must be independently examined or audited (unless the governing document specifies one or the other) and the charity must submit a trustees' annual report and an annual return;
- (4) Income between £250,000 and £1 million (with assets worth less than £3.26 million): accrual accounts must be prepared which must be either audited or independently examined by an individual who is a member of a body approved by the Commission (unless the governing document specifies one or the other): the charity must also submit a trustees' annual report and an annual return;
- (5) Income over £1 million (or an annual income of over £250,000 with assets worth more than £3.26 million): the charity must prepare accrual accounts which must be audited by a registered auditor and must submit an annual return and trustees' annual report;

- (6) Charitable companies: must also comply with company law and file accounts and the required information at Companies House;
- (7) Charitable Incorporated Organisations (CIOs): all CIOs have to register with the Commission, irrespective of income, and must submit an annual return.

The consultation closed on 1 September.

REFORM OF WEDDINGS LAW IN ENGLAND AND WALES

In July, the Law Commission of England and Wales published its final recommendations on the reform of weddings law. In *Celebrating Marriage: A New Weddings Law*, it recommends a wholesale reform of the current law, under which regulation of religious weddings would be switched from *buildings* to *officiants* (as in Scotland and Northern Ireland, where weddings are conducted by registered celebrants). Every wedding would be overseen by an authorised officiant who would have legal responsibility for its proper conduct. There would also be universal rules for all weddings with very few exceptions, meaning that the current laws for different religious groups and for civil weddings would be superseded.⁴

doi:10.1017/S0956618X22000680

4 There is a short summary of the Report at <https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-1ijsxou24uy7q/uploads/2022/07/Weddings-summary-report_.pdf>, accessed 12 September 2022.