

## **LATEST NEWS FROM THE LEGAL AND OPERATIONS TEAM – NOVEMBER 2022**

### **CHARITIES ACT 2022 – FIRST PROVISIONS IN FORCE**

Changes to the Charities Act 2011 are being introduced in phases. The first changes came into force on 31 October and include a new power allowing trustees to be paid for providing goods to the charity.

Charities already have a statutory power that they can use to pay trustees for providing a service to the charity beyond usual trustee duties, or for goods connected to that service. This might include paying a trustee who is a plumber for work at the church, for example.

This statutory power has been broadened by the Charities Act 2022. As a result, charities will be able to pay trustees for just providing goods to the charity, for example in supplying stationery. Several of our guideline leaflets have been updated to reflect this change including *C16 Conflicts of Interest*.

New provisions that were expected last month relating to making moral or 'ex gratia' payments from charity funds have been delayed.

An overview of all the new and planned changes is available on the Charity Commission website [here](#). Future changes are expected in Spring and Autumn 2023.

### **POLITICAL ACTIVITY AND CAMPAIGNING – NEW GUIDANCE**

The Charity Commission has published new guidance for charities that want to support, or oppose, a change in government policy or the law. Charities can take part in political activity that supports their purpose and is in their best interests, but they must remain independent and must not give their support to a political party. The guidance identifies the rules on political activity and how charities should engage if it is right to do so. Further information can be found at [www.gov.uk/guidance/political-activity-and-campaigning-by-charities](http://www.gov.uk/guidance/political-activity-and-campaigning-by-charities)

### **WEBSITE PHOTOGRAPHS AND OTHER COPYRIGHT ISSUES – A REMINDER**

A breach of copyright takes place when copyrighted work is used without the permission of the owner of the copyright. Copyright infringement can lead to substantial penalties for unauthorised use of copyrighted photographs, graphics and images and some Baptist churches have been caught out by this. Many churches and charities use readily accessible pictures copied off the internet but this can lead to a bill for several hundred pounds per photograph if an electronic search picks up that a picture has been used without a licence agreement. Anyone running a website needs to have copyright cover for the images they use or to use their own photographs.

One of the largest photo and image agencies in the world, Getty Images, now has software that can automatically detect the use of unauthorised images on any website and they are acting to protect the rights of the photographers and artists involved. If the image or photo used is not covered by a copyright licence it is possible for the user to be faced with an invoice for hundreds of pounds per picture. Several churches have recently faced similar claims issued by PicRights. It is strongly recommended that pictures are removed where the source is not known.

The same principles apply to videos on YouTube, for example, and other website text that is subject to copyright. If you are unsure whether a particular video, image, wording or text is subject to copyright it is better not to use it at all.

## **OCCUPATION CONTRACTS UNDER THE RENTING HOMES (WALES) ACT 2016. NEW BAPTIST UNION GUIDELINES LEAFLETS ON BOTH MANSE OCCUPANCY IN WALES AND LETTING A MANSE IN WALES**

On 1 December 2022 the Renting Homes (Wales) Act 2016 will come into force. This will reform the law in Wales relating to residential tenancies and the occupation of residential property that is owned by another person/organisation. **Even churches that provide accommodation to their minister rent free will be affected** as well, of course, as those churches who rent out residential property to obtain a rental income. **The new law will affect all existing occupation arrangements that are in place on 1 December 2022 as well as all new occupation arrangements that are entered into from that date.** One consequence of the change is that churches will be required to issue a written statement to ministers and/or other occupiers of their residential property detailing all of the terms and conditions that apply to the occupation arrangement (which under the new law will be called an 'occupation contract').

Consequently, from 1 December 2022 our guidelines leaflet PM06 (Manse Occupancy) will be retitled as PM06 (Manse Occupancy in England). It will then be relevant only to churches providing a manse in England. We will be introducing a new leaflet PM07 (Manse Occupancy in Wales) to assist churches providing a manse in Wales.

For churches in Wales who provide accommodation to their minister for the better performance of their duties (or who intend to do so) we are preparing a template Written Statement of terms for the church to use. This is intended to complement the ministerial Standard Terms of Appointment. The template written statement will be available to Baptist Union of Great Britain Member churches, churches where the relevant property is in trusteeship with the Baptist Union Corporation and churches where the relevant property is in trusteeship with the North Western Baptist Association and trusteeship is being transferred to the Baptist Union Corporation. The template is free and available upon request (once it is ready). Please email [legal.ops@baptist.org.uk](mailto:legal.ops@baptist.org.uk) without delay specifying the name of your church to request your copy. We would also need to know whether the minister lets the relevant property to the church as a manse.

From 1 December, we will also be changing our leaflet PM04 (Letting a Manse). From that date, it will be retitled PM04 (Letting a Manse in England) and apply to churches renting or wishing to rent out a residential property in England only. For churches renting or wishing to rent out a residential property in Wales there will be a new leaflet PM08 (Letting a Manse in Wales).

We will be publishing the new leaflets PM07 and PM08 as soon as possible. Affected churches in Wales should look out for these and read them as soon as they can.

## **SMOKE AND CARBON MONOXIDE ALARMS IN MANSES AND OTHER CHURCH RESIDENTIAL PROPERTY IN WALES**

The Fitness for Human Habitation Wales Regulations 2022 come into force on 1 December 2022. These will impose duties on churches providing a manse in Wales and/or renting out residential property in Wales. These include a requirement to ensure that, during occupation of the manse or other residential property:

a carbon monoxide alarm is present in every room which has a gas, oil or solid fuel burning appliance installed and that the alarm is in repair and proper working order;

and

there is a smoke alarm on each storey of the relevant dwelling(s) which is: in repair and proper working order; connected to the dwelling's electrical supply; and linked to every other smoke alarm in the dwelling which is connected to the electrical supply. (These requirements will immediately apply

to new occupation contracts entered into on or after 1 December 2022. Where there is an existing manse occupancy or an existing tenancy the church will have a twelve month grace period for the church as landlord to undertake the required installation of smoke alarms. There may be a high demand for electricians across the rental market so churches should arrange for necessary works earlier rather than later to ensure compliance).

Please note that the grace period that applies to smoke alarms does not apply to Carbon Monoxide Alarms and, where required, carbon monoxide alarms must be installed **no later than 1 December 2022**. Local authorities can impose a fine of up to £5,000 where a landlord fails to comply with a remedial notice.

Please direct any follow-up questions to [legal.ops@baptist.org.uk](mailto:legal.ops@baptist.org.uk)