

LATEST NEWS FROM THE LEGAL AND OPERATIONS TEAM – JUNE 2023

CHARITIES ACT 2022: CHANGES TO CHARITY LAW RELATING TO LAND

The second tranche of new provisions in the Charities Act 2022 came into force on 14 June 2023. These include a number of changes to the way that acquisitions, disposals and mortgages of charity land are dealt with.

Churches selling a property or granting a lease for a term of longer than seven years now have a greater range of options when choosing a person to undertake the valuation required by the Charities Act. Previously, all such valuations had to be carried out by a surveyor. Now, a church can choose to use a surveyor but it may also be possible to use someone who is a member of NAEA Propertymark (the membership body for estate agents) or, for agricultural property, a member of the Central Association of Agricultural Valuers. Additionally, the contents of the required valuation report have been simplified.

Another change in the law will permit a church to grant a lease to an employee of the church without the need for Charity Commission consent where the employee occupies the premises as their home and the lease is for less than a year.

For further information please see our guideline leaflets which have been revised to take account of the changes:

Selling Church Land or Premises

https://www.baptist.org.uk/Articles/368777/Guideline_Leaflet_PC09.aspx

Selling a Manse

https://www.baptist.org.uk/Articles/368789/Guideline_Leaflet_PM02.aspx

Letting a Manse in England

https://www.baptist.org.uk/Articles/368792/Guideline_Leaflet_PM04.aspx

Letting a Manse in Wales

https://www.baptist.org.uk/Articles/648224/PM08_Letting_a.aspx

Churches and Leases

https://www.baptist.org.uk/Articles/368779/Guideline_Leaflet_PC11.aspx

CHARITIES ACT 2022: CHARITY NAMES

The Charity Commission can direct a charity to change its name if it is too similar to another charity's name or is offensive or misleading.

New provisions in the Charities Act 2022 now enable the Commission to:

- direct a charity to stop using a working name if it is too similar to another charity's name or is offensive or misleading. A working name is any name used to identify a charity and under which the activities of the charity are carried out. For example, 'Comic Relief' is the working name of the charity 'Charity Projects'
- delay registration of a charity with an unsuitable name or delay entry of a new unsuitable name onto the Register of Charities.

DATA PROTECTION UPDATE

Recently, a few of our churches have had issues in the processing of data subject access requests. We have updated our [Data Subject Access Requests Guidance](#) for churches to address these issues, and in particular our advice on how to redact information securely, which has caused difficulties for some churches.

We also would like to take this opportunity to encourage our church trustees to familiarise themselves with our [Guideline Leaflet L13: Data Protection](#), which covers a range of data protection matters affecting churches.

WALES - PROVISION OF WRITTEN STATEMENT TO MINISTERS OCCUPYING MANSES AND RESIDENTIAL TENANTS OF CHURCH-OWNED PROPERTY

Under the [Renting Home \(Wales\) Act 2016](#), on 1 December 2022 manse occupation arrangements and assured shorthold tenancies of properties in Wales were converted into 'occupation contracts'. The Act gave churches until 1 June 2023 to issue a written statement of the terms of the occupation contract to the residential occupiers of their property.

Churches who have been providing a manse in Wales to their current minister since a date earlier than 1 December 2022 must have already issued a minister with a written statement.

Churches who have been letting a property in Wales to residential tenants under a tenancy agreement that began on a date earlier than 1 December 2022 must have provided a written statement of the terms of the converted occupation contract to their tenants.

Any such church that has not already issued a written statement to their minister and/or tenants should act without further delay.

For further information please see:

https://www.baptist.org.uk/Articles/648213/PM07_Manse_Occupancy.aspx

and

https://www.baptist.org.uk/Articles/648224/PM08_Letting_a.aspx

Please direct any follow-up questions to legal.ops@baptist.org.uk