

# CLAS CIRCULAR

## 2009/10 (13 July 2009)

### **Reporting serious incidents**

The Charity Commission, which is anxious for charities to be more proactive in reporting serious incidents, has published revised [guidance](#) on the matter. The updated guidance details the serious incidents which trustees should always report to the Commission: for example, fraud, links to or support for terrorism or abuse of vulnerable beneficiaries. Although the guidance is primarily aimed at charity trustees, it is also hoped that it will be useful for lawyers and accountants working with charities, since they are sometimes the first people to become aware of a serious incident having taken place.

[Source: *Charity Commission What's New* – 2 June 2009]

### **National Minimum Wage**

The [draft National Minimum Wage Regulations 1999 \(Amendment\) Regulations 2009](#) have been published on OPSI's website, setting out the rates due to come into effect on 1 October 2009. Regulation 2 increases the principal rate of the national minimum wage from £5.73 to £5.80 per hour, thereby amending Regulation 11 of the Principal Regulations. The Regulations also increase the rate paid to workers aged between 18 and 21 from £4.77 to £4.83 per hour (Regulation 4(a)) and the rate to be paid to workers aged below 18 who have ceased to be of compulsory school age from £3.53 to £3.57 per hour (Regulation 4(b)).

[Source: *OPSI website* – 22 June 2009]

# EUROPE

## **Copyright: extension of copyright term for music recordings**

The European Parliament has adopted legislation extending the copyright term for music recordings from 50 to 70 years. A performer will therefore continue to receive royalties for 70 years from the first publication or performance of a song. The Parliament has also asked the Commission to launch an impact assessment of the situation in the European audiovisual sector by January 2010, with a view to deciding whether a similar copyright extension would benefit the audiovisual world.

*This is not yet law.* Member States will have two years to transpose the new legislation.

[Source: *European Parliament Press Release* – 23 April 2009]

# FAITH & SOCIETY

## Equality Bill

As noted in the last Circular, the [Equality Bill](#) was introduced into the Commons on 24 April and Second Reading took place on 11 May and the Church of England has expressed concern that the scope of the exemption currently available under the Employment Equality (Sexual Orientation) Regulations 2003 in relation to employment for the purposes of an organised religion is proposed to be re-enacted in a form which is considerably more restrictive than it is at present.

William Fittall, Secretary-General of General Synod of the Church of England and Richard Kornicki, of the Catholic Bishops' Conference of England and Wales gave evidence to the committee considering the Bill, along with Maleiha Malik (Reader in Law, KCL) representing the Muslim Women's Network, Jon Benjamin, Chief Executive of the Board of Deputies of British Jews and Andrew Copson, Director of Education and Public Affairs at the British Humanist Association. Their evidence is available [here](#). One of the principal issues raised by was this:

*William Fittall:* The fundamental difficulty is that, if a religious organisation is imposing a faith requirement on a particular post—we have a lot of posts where we do not—and saying, “You’ve got to be an Anglican, a Roman Catholic, or whatever it might be”, we will, particularly for representational or pastoral roles, want people to lead lives that are consistent with the teaching of that particular Church or faith. Our conviction is that the provision does not allow for that. You might believe that some of our rules and disciplines are wrong, but our view is that that is a matter of religious liberty—a matter for the Church of England, Roman Catholics, the Jews or whoever.

We are not seeking *carte blanche*, but if a religious organisation is employing someone in a role for which you have to be a member of that faith, it is reasonable that restrictions—whether they be on marital history or whatever—can be part of the requirements. [We] think that the provision would prevent that.

*Richard Kornicki:* ... fundamentally, this goes to the credibility of the post holder in performing their function. [A] youth worker may have a function that involves supervising teenage children in a church hall, in social activities. That is not formal teaching of religion, but the group may be coming up to their confirmation, and issues of religion will and should arise—issues of morality and of behaviour. It would not be credible for the person holding that post not to be in harmony with the teachings of the Church. The credibility of the function being performed would be at stake in such pastoral, representative roles if the person were not in harmony with the teachings of the Church.

[Source: *House of Commons Bills* – 9 June 2009]

# FUNDING

## Gift aid claims

HMRC has announced formally that from 1 April 2010 the general time-limits for making repayment claims will be four years rather than six and that those limits will apply equally to charities as to other taxpayers. This change was foreshadowed in our article dated 16 March 2009. The HMRC website has a helpful step-by-step [Guide](#) to making claims. Rather than leaving things until the last minute, it is probably prudent to start checking whether or not claims have in fact been made.

HMRC has also produced a March 2009 update of the Gift Aid Toolkit CD-ROM for charities. Copies can be obtained by ringing 08453 02 02 03 (open from 8.00 am to 5.00 pm, Monday to Friday) and selecting Option 6.

[Source: *Charity Commission Charity News & Updates* – 13 & 15 May 2009]