

# PARLIAMENTARY REPORT

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## October 2021 to January 2022

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### COVID-19 AND RELIGION

COVID-19 continued to dominate the period under review. By the beginning of November 2021, new cases were increasing, although deaths had stabilised at a relatively low level. On 24 November, however, the Omicron variant of COVID-19 was reported to the World Health Organization and early indications suggested that it might be more transmissible than the Delta variant, and that current vaccines might be less effective against it.

On 27 November, the UK Government's Health Secretary announced that two cases of the Omicron variant had been discovered in Brentwood and Nottingham. The Prime Minister announced the imminent reintroduction in England of mandatory face coverings in shops and on public transport and they became obligatory from 30 November. They were not to be required in places of worship, but the Bishop of London, as leader of the Church of England's Covid Recovery Group (and as a former Chief Nursing Officer for England), urged churches and churchgoers to take extra precautions during Advent and Christmas.

As cases of the Omicron variant continued their rapid rise, on 8 December the Prime Minister announced that in England masks would become compulsory in all indoor public places from 10 December and COVID passports would be required to enter nightclubs and other large venues from 15 December, and he advised people to work from home from 13 December if possible. The devolved administration announced similar but not identical post-Christmas restrictions.

What was clear from the various statements and updated guidance was that neither the UK Government nor the devolved administrations wished to be accused of 'cancelling Christmas', although the Scottish Government had earlier advised people to exercise restraint over Christmas celebrations. On 27 December, when new cases were beginning to rise rapidly, the Prime

Minister announced that there would be no further restrictions in England before the New Year.

## MINISTRY OF JUSTICE: HUMAN RIGHTS CONSULTATION

In December, the Ministry of Justice published a consultation<sup>1</sup> seeking views on the Government's proposals to revise and replace the Human Rights Act 1998 with a Bill of Rights, in fulfilment of its 2019 manifesto pledge to 'update the Human Rights Act and administrative law to ensure there is a proper balance between the rights of individuals, our vital national security and effective government'. The Government also published the conclusions of the review panel on the Act chaired by Sir Peter Gross.<sup>2</sup>

In summary, the Government 'is proposing to reform UK human rights law by: respecting our common law traditions and strengthening the role of the UK Supreme Court; restoring a sharper focus on protecting fundamental rights; preventing the incremental expansion of rights without proper democratic oversight; emphasising the role of responsibilities within the human rights framework; and facilitating dialogue with Strasbourg, while guaranteeing Parliament and the devolved legislatures their proper roles'.<sup>3</sup> The consultation was to end on 8 March and on the day that the consultation paper was published, Lord Chancellor Raab set out his current thinking on reform of the Act in an article in *The Times* entitled 'New bill of rights will deliver a healthy dose of common sense'.<sup>4</sup>

Or there again, it might just deliver a lot more adverse judgments in Strasbourg.

## MARRIAGES AND CIVIL PARTNERSHIPS IN ENGLAND AND WALES

As noted in the last Report, the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2021, which came into force on 1 July, made time-limited amendments to the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168) to allow civil marriages and civil partnership ceremonies to be held in outdoor areas in the grounds of premises which have been approved under the 2005 Regulations. Those amendments will expire on 5 April 2022; however, the Government subsequently announced that it would lay a further statutory instrument to

1 Ministry of Justice, *Human Rights Act Reform: A Modern Bill of Rights: A consultation to reform the Human Rights Act 1998* CP 588, 14 December 2021.

2 Ministry of Justice, *The Independent Human Rights Act Review* CP 586, 14 December 2021.

3 Ministry of Justice, *Human Rights Act Reform* p 56.

4 D Raab, *The Times*, 14 December 2021.

enable outdoor civil marriage and civil partnership registrations to continue indefinitely in England and Wales.

Furthermore, the Ministry of Justice launched a consultation in December<sup>5</sup> on making the change permanent. It also proposes to examine the possibility of making it possible for religious weddings to be held outdoors at places of worship, such as in the grounds of a church or chapel. The changes would be permissive, meaning that no religious group or owner or trustee of a place of worship that has been registered for marriages would be obliged to provide outdoor ceremonies. The changes would *not* apply to Anglican weddings on the authority of a special licence—which can take place anywhere—or to weddings or civil partnership ceremonies under a Registrar General’s licence issued when one of the parties is seriously ill and cannot be moved to a place ordinarily required by the marriage and civil partnership legislation. The intention is that the proposed changes will be made by an order under the Legislative and Regulatory Reform Act 2006, subject to the affirmative procedure in Parliament. The consultation was due to close on 24 January.

#### MARRIAGE AND CIVIL PARTNERSHIP (MINIMUM AGE)

On 19 November, the Marriage and Civil Partnership (Minimum Age) Bill, presented on 16 June by Sajid Javid but subsequently taken over by Pauline Latham, was given its Second Reading without a vote after a short debate. The Parliamentary Under-Secretary of State for Justice, Tom Pursglove, expressed the Government’s support for the Bill and the hope that the Scottish Government and the Northern Ireland Assembly would bring forward similar legislation so as to ensure consistency across the United Kingdom. He also noted that the UN Committee on the Rights of the Child had recommended that there should be no legal way for anyone to marry before they turned 18, even with parental consent: ‘The fact that it is currently possible to marry at 16 is setting the wrong example both at home and abroad.’<sup>6</sup>

Coincidentally, two days before the Commons debate on Pauline Latham’s Bill the Northern Ireland Department of Finance launched a public consultation on changing two aspects of Northern Ireland marriage law: putting belief weddings, such as those conducted by humanist celebrants—which are currently subject to temporary arrangements—on an equal legal footing with religious weddings and raising the minimum age at which people may marry or enter a civil partnership to 18.<sup>7</sup> The consultation was due to close on 18 February.

5 Ministry of Justice, *Outdoor Marriages and Civil Partnerships*, 20 December 2021.

6 HC Deb (2021-22) vol 703 c 822.

7 Northern Ireland Department of Finance, *Public Consultation on Marriage Law*, 15 November 2021.

## REGISTRATION OF BIRTHS AND DEATHS IN ENGLAND AND WALES

The Births and Deaths Registration (Electronic Communications and Electronic Storage) Order 2021, SI 2021/1231, which came into force on 1 December 2021, introduced electronic methods of communication and storage in connection with the process of registration of births and deaths.

The Registration of Births and Deaths (Amendment) (England and Wales) Regulations 2021, SI 2021/1436, amend the Registration of Births and Deaths Regulations 1987, SI 1987/2088, to enable the use of electronic communications and storage for certain documents used in connection with registrations pursuant to the 2021 Order. The amending Regulations enable certain declarations, certificates and other documents prescribed by the 1987 Regulations to be in an electronic form approved by the Registrar General. Under them, any notice, information, declaration, certificate, return or other document required to be given, sent, delivered, produced, supplied, transmitted or otherwise provided for any purpose under the 1987 Regulations may be provided by sending that document (or a copy of it) in an electronic form approved by the Registrar General.

## EDUCATION (ASSEMBLIES) BILL

The Education (Assemblies) Bill, a Lords private Member's bill introduced by Baroness Burt of Solihull, would amend the School Standards and Framework Act 1998 to make provision regarding assemblies at state schools in England without a designated religious character and would repeal the requirement for those schools to hold collective worship. It was given its Third Reading after an extremely brief debate<sup>8</sup> and now goes to the Commons where, one might imagine, it might have a much less easy ride.

## CHURCH OF ENGLAND: SAFEGUARDING

The Safeguarding (Code of Practice) Measure 2021 entered into force on 20 October. It requires the House of Bishops to issue a code of practice for 'relevant persons' on safeguarding children and vulnerable adults.

## HOME OFFICE CONSULTATION ON THE PROTECT DUTY

On 10 January, the Home Office published its response to its consultation on the Protect Duty, under which it seeks to enhance public security from terrorist

8 HL Deb (2021-22) vol 816 c 1904.

attacks.<sup>9</sup> The consultation response noted the concerns expressed by some respondents that any new measures should not impose ‘an undue burden on organisations, particularly those which are smaller in size or staffed by volunteers, such as places of worship’. The Government is still pondering its final proposals.

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9 Available online only, at <<https://www.gov.uk/government/consultations/protect-duty/outcome/government-response-document>>, accessed 10 January 2022.