

GOVERNMENT AND PARLIAMENTARY REPORT

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CIVIL PARTNERSHIPS, MARRIAGES AND DEATHS (REGISTRATION ETC.) ACT 2019

The Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill, originally introduced by Tim Loughton MP as a private Member's bill in the Commons, received Royal Assent on 26 March and came into force two months after it was passed. Section 1 empowers the Secretary of State to amend by regulations the Marriage Act 1949 to provide for a central register of marriages in England and Wales 'which is accessible in electronic form'. Section 2 requires the Secretary of State to amend the Civil Partnership Act 2004 so that opposite-sex couples become eligible to form a civil partnership in England and Wales – and the amending regulations must be in force no later than 31 December 2019.¹ Section 3 requires the Secretary of State to report on whether the law should be changed to allow the registration of pregnancy losses which cannot be registered as stillbirths under the Births and Deaths Registration Act 1953 and section 4 requires the Secretary of State to make arrangements for the preparation of a report on whether, and if so how, the law should be changed to enable or require coroners to investigate stillbirths.²

Though the issue is nowhere mentioned on the face of the Act, the changes to marriage registration will allow for mothers' names to be included on marriage

- 1 As noted in the last two Reports, the Supreme Court ruled in *R (Steinfeld and Keidan) v Secretary of State for International Development* [2018] UKSC 32 at para 62, that the bar on opposite-sex civil partnerships in sections 1 and 3 of the 2004 Act was incompatible with Article 14 ECHR (discrimination), in conjunction with Article 8 (respect for private and family life). The Prime Minister subsequently announced that the Government would remove it.
- 2 On the day that the Bill received Royal Assent, the Ministry of Justice issued a consultation on introducing coronial investigations of stillbirth cases in England and Wales; that closed on 18 June 2019.

certificates – which was welcomed by the Church of England in a press statement.³

As previously noted, the Scottish Government undertook a separate consultation on the future of civil partnerships which closed on 15 December 2018: at the time of writing it had not published its response to the consultation.

CREMATORIA

In April, the Ministry of Housing, Communities & Local Government ('MHCLG') and the Minister for Faith, Lord Bourne of Aberystwyth, announced the Government's response to the consultation on crematoria provision and facilities.⁴ The Government recognises the problems caused by the size and scale of the development normally necessary for a new crematorium. It considers that the restrictions in the Cremation Act 1902 remain appropriate to protect neighbouring dwellings and the sanctity of memorial grounds but also recognises that the Department of the Environment's 1978 guidance⁵ imposes additional restrictions; MHCLG will consult on revised guidance that could allow smaller sites to be developed. However, the Government has no plans to reduce the protections in national planning policy for the Green Belt, and other protections will continue to apply in areas such as National Parks.

On the presence of religious iconography, the Government concludes that crematoria 'should ensure that their facilities are suitable to meet the needs of all members of the community, including those from all faiths and none. As part of this, we encourage the provision of interchangeable iconography, and will consult on revised guidance that supports this.'⁶ It also recommends better staff training to promote cultural awareness and religious sensitivity.

ECCLESIASTICAL JURISDICTION AND CARE OF CHURCHES MEASURE (ISLE OF MAN) 2019

The Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019⁷ received Royal Assent on 9 April; it extends to the Island Parts 1 and 3–6 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018,

3 Available at <<https://www.churchofengland.org/more/media-centre/news/bishop-and-mp-welcome-marriage-registration-changes-parliament>>, accessed 13 May 2019.

4 MHCLG, 'Crematoria provision and facilities: Government response to the review', available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793588/Crematoria_Review_-_government_response.pdf>, accessed 13 May 2019.

5 Available at <<https://www.cremation.org.uk/content/files/Siting%20%20and%20Planning%281%29.pdf>>, accessed 13 May, 2019.

6 'Crematoria provision and facilities,' para 88.

7 Available at <https://www.legislation.gov.uk/cms/images/LEGISLATION/PRINCIPAL/2019/2019-SM02/EcclesiasticalJurisdictionandCareofChurchesMeasureIsleofMan2019_1.pdf>, accessed 13 May 2019.

subject to various exceptions, adaptations and modifications specified in Schedule 1 to the Measure. The Measure comes into operation on such day or days as the bishop may by order appoint.

HM LAND REGISTRY PRACTICE GUIDE 14: CHARITIES

On 18 March, HM Land Registry issued an updated version of its *Practice Guide 14: charities*.⁸ Section 9 (Church of England property) has been amended as a result of the entry into force on 1 March 2019 of the Church Property Measure 2018.

HOUSE OF COMMONS DEBATE ON SHARIA COURTS

On 2 May, a Commons debate was held in Westminster Hall on sharia courts in the United Kingdom.⁹ Replying, Edward Argar MP (Parliamentary Under-Secretary of State for Justice) reiterated the Government's position on sharia: that 'there is no parallel system of sharia law in operation in the UK; Her Majesty's courts enforce our laws ... sharia law is not part of the British legal system.'¹⁰

INTEGRATED COMMUNITIES ACTION PLAN

On 9 February, the Government published its *Integrated Communities Action Plan* for England. On religious issues, the Government will, inter alia:

- i. Amend the Immigration Rules to prohibit a religious worker with a Tier 5 visa from acting as a minister of religion, so that those wishing to come to the UK to minister will need a Tier 2 visa – which requires demonstration of a higher level of English;
- ii. 'Support awareness campaigns to educate and inform couples and their children of the benefits of having a civilly registered marriage', though the Action Plan does not include any express proposal to criminalise 'bare' religious marriages undertaken in the absence of civil registration;
- iii. Ensure that its response on forced marriage is 'as robust as it can be'; and
- iv. 'Support training of faith leaders to ensure they understand the English legal system, including equalities and marriage legislation, British

8 Available at <<https://www.gov.uk/government/publications/charities-advice-for-applications-to-be-sent-to-land-registry/practice-guide-14-charities>>, accessed 13 May 2019.

9 Available at <<https://hansard.parliament.uk/commons/2019-05-02/debates/201F2DB0-FCE5-412F-AAB8-83CAAG6F308A/ShariaLawCourts>>, accessed 13 May 2019.

10 HC Deb 2 May 2019, vol 659, col 210WH.

culture and our shared values, and that they are well versed in their rights and responsibilities to better support their congregations.’

At the same time, the Government published its response to the consultation on the Integrated Communities Strategy Green Paper.¹¹ The Government also announced that, following an open tendering process, the Edward Cadbury Centre for the Public Understanding of Religion had been selected to deliver the Faith Leader Training initiative which we mentioned in our last Report. The Government anticipates that the initiative will complement the existing programmes on ‘Strengthening Faith Institutions’ and ‘Register Our Marriage’.

MARRIAGE CERTIFICATES: FEES

The fee for the issue of a marriage certificate has been increased to £11.00 with effect from 16 February 2019 and the two-tier fee system for church weddings has been replaced with a single fee, regardless of whether the certificate is issued at the wedding ceremony itself or afterwards. There is also a new priority service, the fee for which is £35.¹²

PERSECUTED CHRISTIANS

In February, the Government announced the terms of reference for an independent review of Foreign & Commonwealth Office support for persecuted Christians, which was commissioned by the Foreign Secretary. The review, which is being undertaken by the Rt Revd Philip Mounstephen, Bishop of Truro, will ‘map levels of persecution of and other discrimination against Christians in key countries around the world’ and ‘provide an objective assessment of the impact and levels of FCO support and make recommendations in this regard’. The Church of England and the Roman Catholic Bishops’ Conference of England and Wales submitted a joint response.¹³

The intention was that the Review should be concluded by Easter 2019; however, Bishop Mounstephen published an interim report in May,¹⁴ explaining that ‘it rapidly became apparent that the scale and nature of the phenomenon

11 Available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777160/Integrated_Communities_Strategy_Government_Response.pdf>, accessed 13 May 2019.

12 HM Passport Office and General Register Office, *Clergy Newsletter*, 8 February 2019, available at <<http://www.facultyoffice.org.uk/wp-content/uploads/2019/02/Clergy-Newsletter-Edition-8-Feb2019.pdf>>, accessed 13 May 2019.

13 Available at <<https://www.archbishopofcanterbury.org/sites/abc/files/2019-04/Catholic%20Bishops%20Conference%20of%20England%20and%20Wales%20and%20Church%20of%20England%20submission.pdf>>, accessed 13 May 2019.

14 Available at <<https://christianpersecutionreview.org.uk/interim-report/>>, accessed 13 May 2019.

simply required more time'. The final report¹⁵ was published on 8 July 2019 and its recommendations were accepted in full by the government.

SAFEGUARDING

The Independent Inquiry into Child Sexual Abuse ('IICSA') held its second seminar on mandatory reporting on 29 and 30 April, at which it considered the arguments for and against making the reporting of child sexual abuse a legal requirement in England and Wales – though it should be said that evidence thus far suggests that the Government is very unenthusiastic about mandatory reporting.¹⁶

In May 2019, IICSA published its report on two case studies last year of the Diocese of Chichester and the response to allegations against the disgraced former Bishop of Gloucester, Peter Ball.¹⁷ It made recommendations in five areas:

- i. The introduction of safeguarding guidance for religious communities;
- ii. Amendment of Canon C 30 (Of safeguarding);
- iii. Amendment of the Sexual Offences Act 2003;
- iv. Sanctions for failures to comply with safeguarding procedures; and
- v. Disclosure of internal reviews to the national review body.

It will make further recommendations following its hearing in July 2019, which will focus upon the wider Anglican Church.

IICSA also announced a new investigation into child protection in religious organisations and settings, separate from its investigations into the Anglican and Roman Catholic Churches.

doi:10.1017/S0956618X19000656

¹⁵ Available at <<https://christianpersecutionreview.org.uk/report/>>, accessed 27 July 2019.

¹⁶ See, for example, the remarks of Lord Agnew of Oulton, Parliamentary Under-Secretary of State, Department for Education, on 10 September 2018 in reply to an oral question by Baroness Walmsley: HL Deb 10 September 2018, vol 792, col 2093.

¹⁷ Available at <<https://www.iicsa.org.uk/reports/anglican-chichester-peter-ball>>, accessed 13 May 2019.