CLAS CIRCULAR
2008/19 (10 December 2008)

CHARITIES AND CHARITY LAW

Charitable collections

The Office of the Third Sector has announced plans to commission independent research into the licensing system for public charitable collections, as part of a move towards a new licensing scheme designed to facilitate responsible fundraising and at the same time deter bogus collections and prevent any nuisance to the public. The research will aim to assess the costs and benefits of the new licensing scheme compared to the existing system of licensing; inform the developmental and design phase of the new system of licensing building on the framework provided by the Charities Act 2006; and identify how best to take forward the implementation of cost-effective, risk-based and proportionate regulation of public charitable collections. The research will be conducted during 2009.

[Source: *Cabinet Office News* – 9 December 2008]

Charity Commission: public benefit examples

The Charity Commission has published the first of its on-line fictional examples of Trustees' Annual Reports, illustrating how charities of different sizes might report on their public benefit. The fictional examples show how reporting on public benefit sits within the existing structure of TARs and illustrates how the new version has been adapted to include public benefit reporting. The examples will also show how a small charity can report appropriately on its public benefit without having to go into complex levels of detail.

[Source: *Charity Commission Press Release* – 7 November 2008]

Charity trustees codes of conduct

The Charity Trustee Network, in association with the Joseph Rowntree Foundation and Unity Trust Bank, has published Codes of Conduct for Trustees: Developing and using trustee codes of conduct. It is not a code of conduct in itself but, rather, a guide for charities on how to draw up trustee codes of conduct tailored to their own circumstances. It was launched by Kevin Brennan, Minister for the Third Sector, at a parliamentary reception on 19 November and can therefore be assumed to have at least the unofficial endorsement of the OTS.

[Source: *Governance* – 19 November 2008]

Governing documents

The Charity Commission has published an updated version of CC36 – Changing your Charity's Governing Document. The new guidance replaces Amending charities' governing documents: Orders and Schemes (CC36) to take into account the provisions of the Charities Act 2006 and to present the guidance in a more accessible format. This latest version includes further amendments to section C to clarify the position with regard to changes permitting trustee benefits.

[Source: *Charity Commission What's New* – 18 November 2008

FAITH AND SOCIETY

Cremation (England and Wales) Regulations 2008

The Cremation (England and Wales) Regulations 2008, which have been put in place in the wake of the Shipman murders and the subsequent inquiry by Dame Janet Smith, will come into effect on 1 January 2009. They modernise and consolidate all previous regulations and replace the Cremation Regulations 1930, as amended. Comprehensive guidance and documentation are available on the Ministry of Justice website

[Source: *Ministry of Justice Press Release* – 3 November 2008]

ODDS & ENDS

Copyright in images: a warning

There was an interesting piece in *The Guardian* on 27 November about the unfortunate experience of a church congregation in the Diocese of Lichfield who downloaded a picture belonging to the Getty Picture Library from the Internet and used it on their website without negotiating a fee.

For the full story, see the newspaper: but the moral is this. *Any picture on the Internet belongs to someone*, and to use a picture without the permission of the copyright-holder is a breach of copyright. So if you want (eg) a soothing rural landscape on your website, or a picture of your cat or church or cricket pavilion, take it yourself on a digital camera and upload it. It may not be as polished as a picture taken by a professional, but that way no breach of copyright will arise.

[Source: *Guardian* – 27 November 2008]

Data protection

The Ministry of Justice has signalled its intention of bringing forward legislation to give the Information Commissioner tougher powers to regulate data protection, in the light of recommendations by Professor Mark Walport and Richard Thomas, the Information Commissioner. The proposals that are particularly relevant to churches will enable the Commissioner's Office (ICO) to:

- fine data controllers for deliberate or reckless loss of data;
- require any person, where a warrant is being served, to provide information required to determine compliance with the Data Protection Act;
- impose a deadline and location for the provision of information necessary to assess compliance;
- publish guidance on when organisations should notify the ICO of breaches of the data protection principles; and
- publish a statutory Code of Practice to provide practical guidance on sharing personal data.

The Government also proposes to establish a tiered fee-structure based on size of organisation, replacing the flat-rate notification fee that been in force since its original introduction in 1984.

[Source: *Ministry of Justice Press Release* – 24 November 2008]