



Newsletter

September 2015

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A Message from the Director....

Welcome to the new edition of the Charity Law & Policy Unit newsletter, which I hope you will enjoy reading.

In this issue, we report on another busy and successful past year for the Unit and we include details of our future events.

I am delighted to report that one of our Unit colleagues, Matt Shillito, is about to submit his PhD thesis and has been appointed to a lectureship in the Law School. Matt's interests straddle charity law as well as financial crime and banking law. I wish him the very best of luck and look forward to working with him. I am also delighted to report that Warren Barr was appointed to a personal chair during the University's Annual Review process.

We have an exciting schedule of events planned for this academic year and details of these are outlined towards the end of this newsletter. All are invited to attend these events which will be both informative and will also provide an opportunity for networking. In particular, I am thrilled that Professor Elizabeth Cooke, previously of the Law Commission and now Principal Judge of the First-tier Tribunal, assigned to the Property Chamber, has agreed to give this year's public lecture. She will be reflecting on the Law Commission's recent and ongoing work on charity law reform.

Last year we held our first events at the University of Liverpool in London Campus in Finsbury Square. We were pleased to welcome many new faces at our first London seminar last year, at which Professor Alex Murdock spoke about food banks. So that our local supporters do not miss out, Alex has kindly agreed to deliver an updated version of the presentation in Liverpool in the new year. You can also read about the other event that we held in London last year in this newsletter.

We have been extending our reach across the University of Liverpool by setting up a Third Sector Research Group and we will be holding our first event in October 2015.

If you would like to contact me about our events, or indeed any other activities, please feel free to do so. My contact details are at the end of the newsletter.

I look forward to seeing you at one of our events

All the best

Debra Morris

Debra Morris
Professor of Charity Law & Policy

Sponsorship

We are delighted to announce that the leading North West law firm Brabners have kindly agreed to continue to sponsor the work of CLPU. This takes the form of both financial and practical support. We are very grateful to Stephen Claus, Partner and Head of Charity and Social Enterprise at Brabners, and his partners for their continued support.

Brabners

Brabners Charity Law Moot

Once more, as part of the Unit's sponsorship by Brabners, second year law students from Liverpool University were given the opportunity to participate in the Charity Law Moot Competition. The winning mooter, whose prize was a week-long summer work placement at Brabners was Mehr Nigar. She later said: "The placement gave me an incredible insight into the daily lives of solicitors as well as how the firm operates. I was presented with many opportunities: from having a real impact in high net-worth client cases, to building a strong network of mentors. The experience was invaluable and will undoubtedly help me launch my career as a solicitor."



Members of both teams of mooters together with the panel of judges

Public Lecture

In February 2015, Sir Stuart Etherington, Chief Executive of NCVO (National Council for Voluntary Organisations) delivered the Unit's annual public lecture to a large audience of students, academics, voluntary sector practitioners, lawyers and regulators. In a wide-ranging talk, entitled 'Beyond the Big Society, Sir Stuart, considered the state of the voluntary sector and its relationship with government. He explained why he was cautiously optimistic about the future of the sector, whatever the outcome of the (then, forthcoming) general election. He also spoke about the regulatory environment for the sector, with a focus both on the Charity Commission and the Lobbying Act's potential implications for charities' campaigning activities. Whilst acknowledging the incredibly challenging times for many voluntary organisations, he concluded on an upbeat note: "There are roles and values that make the sector distinctive: holding governments to account, articulating what a better, fairer society might look like, arguing for a society characterised by social justice, empowerment and participation. Regardless of whether you give it a name or not, politicians will want to, will need to, draw upon this uniqueness of the voluntary sector."

The full text of Sir Stuart's lecture is available to download [here](#).

Sir Stuart Etherington with law students after his public lecture



Law Commission Charity Law Engagement Event

In May 2015, in a high profile event organised at the Liverpool in London Campus, the Charity Law & Policy Unit welcomed over 90 guests to engage in a Consultation Event with the Law Commission for England and Wales which was consulting on technical changes to charity law.

Academics, judges, QCs and partners in leading law firms in the area of charity law spent the day debating the utility of the proposed changes and suggesting alternative ways to reform the law. The event was held in conjunction with the Law Commission itself. Professor Elizabeth Cooke, the Law Commissioner who was working in this area and Daniel Robinson gave presentations throughout the day and before opening up the discussion to members of the audience, members of the Charity Law Association kick-started the discussion by presenting preliminary views of the Association's working party on the matters at issue. Debra Morris and Warren Barr chaired the sessions and other colleagues from the Unit participated in the discussions. As well as key personnel in charity law and practice in the UK, participants included visitors from Australia and China.

Elizabeth Cooke presenting at the Law Commission Charity Law Engagement event



The Equality Act 2010: 5 Years On

Following on from our earlier work on the impact of the Equality Act 2010 on charities, the Unit co-hosted a conference on the Equality Act 2010: 5 Years On, in conjunction with University of Chester, Forum for Research into Equality and Diversity. The day-long conference, held at the University of Chester in June 2015, attracted over 120 delegates. As well as key note speeches from Sir Bob Hepple QC and Colm O'Cinneide, delegates were able to choose to attend paper presentations from a selection of 22 speakers.

Sessions of particular interest to the Charity Law & Policy Unit were those on ‘the public sector equality duty and enforcement’ and ‘evaluating the public sector equality duty’.

Sadly, in August 2015, the anti-apartheid activist, renowned human rights campaigner and eminent academic, Sir Bob Hepple QC, passed away. We were most honoured to hear him speak just a few months before this.



Organisers and speakers at the Equality Act 2010: 5 Years On conference

Making an Impact

In September 2014, the Law Commission published its analysis of the responses to its consultation on social investment and the contents of the formal Charity Law & Policy Unit response, submitted last summer, featured heavily. The Law Commission then published its recommendations and then drafted a Bill to give effect to one specific recommendation (with which we had agreed) for the creation of a new statutory power. The Government has included this power within the Charities (Protection and Social Investment) Bill (but not the draft Bill – see below) currently before Parliament. The Government response to the remaining recommendations on social investment by charities is awaited.

In November 2014, Debra Morris was invited to give expert evidence before a joint Committee of both Houses of Parliament regarding pre-legislative scrutiny of a draft Bill to amend the powers of the Charity Commission. The Committee, chaired by Lord Hope, later reported on the draft Bill, referring to her evidence, in February 2015 and the Charities (Protection and Social Investment) Bill is now being debated in parliament.

International Exchanges

Late last year, as part of ongoing collaboration with Melbourne Law School and their Non For Profit Project, Debra Morris spent two days in Melbourne, participating in roundtable discussions on “Reimagining Charity Law - Striving for Ideals in a Non-ideal World”. The first day was a colloquium event involving academic colleagues from Australia, Canada, Ireland and the USA. On the second day we were joined by leading Australian charity law practitioners and policy makers, together with key personnel from the Australian Charities and Not-for-profits Commission. Selected papers from this meeting will be published in a special volume of the Charity Law & Practice Review to be edited by Debra Morris together with colleagues from Melbourne Law School.

In March 2015, Ian Murray, Assistant Professor in the Faculty of Law at the University of Western Australia, spent time with the Unit as a Visiting Scholar. Ian researches in the areas of Corporate Taxation and the intersection between Not-for-profit Law, Tax and Corporate Governance. He has a number of years’ experience as a practitioner. In particular, he has been extensively involved in the taxation issues arising under native title agreements, including in relation to the benefits management structures established to hold native title payments. In pursuit of his current research project relating to the accumulation of income by not-for-profits research, Ian spent time talking to colleagues in the University and had a number of useful meetings with Charity Commission and HMRC personnel. He also gave a staff seminar.

Ian Murray giving his staff seminar



In May 2015, the Unit welcomed a visit from Dr Matthew Turnour of Neumann & Turnour Lawyers, Brisbane. Matthew completed his PhD thesis, entitled “Beyond Charity: Outlines of a Jurisprudence for Civil Society” at the Australian Centre for Philanthropy and Nonprofit Studies, Queensland University of Technology. As well as engaging in discussions with Unit members, Matthew gave a presentation on ‘Charitable Status, Advocacy and advancement of religion: an Australian perspective’. On the same occasion, we enjoyed a visit by Blake Bromley, Principal of Benefic Lawyers, Vancouver, Canada. Blake is an internationally renowned expert in charity law, and a recognized pioneer of charitable law and gifting in Canada.

Matthew Turnour with Blake Bromley

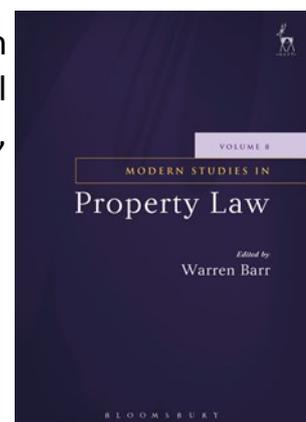


Third Sector Research Group

The Unit has been instrumental in the last year in the setting up of a Third Sector Research Group within the University of Liverpool. This has attracted academic interest from a number of disciplines and this Group has been working together on planning its future activities, including its research agenda and a third sector engagement event, in conjunction with Liverpool Charity and Voluntary Services (LCVS) – see further below under forthcoming events.

Publications and Presentations

Following on from the University of Liverpool hosting the 10th Biennial Modern Studies in Property Law Conference in April 2014, this summer saw the publication of its linked book, edited by Warren Barr.



A number of articles, reports and chapters were published by members of the Unit during the year. A full list can be found here:

<http://www.liv.ac.uk/law/research/charity-law-and-policy/publications/>

A full list of papers presented can also be found here:

<http://www.liv.ac.uk/law/research/charity-law-and-policy/conference-papers/>



Jennifer Sigafos presenting at the Equality Act 2010: 5 Years On conference

Debra Morris at the University of Montreal Annual Common Law Conference



News from our Postgraduates

Tessema Mebratu whose PhD research on laws and policies governing charities and their impacts on the democratization process of a country: Ethiopia in case, has had his PhD viva and is now writing up his minor corrections. He is expected to graduate in late 2015.

Charlotte Hood-Fredriksen continues her PhD studies, looking at the impacts of changes in social housing allocations. Charlotte continues in her Graduate Teaching Assistant role.

Dejian Li continued his PhD studies (with funding from the Liverpool China Scholarship Council (CSC)). Dejian is looking at the reform of charity governance in China, based on a comparative study of the UK.

Following the receipt of funding from the School of Law & Social Justice to support the appointment of a Graduate Teaching Assistant/ PhD studentship, Brett Crumley has now completed the first year of his PhD research on the Charity Tribunal with a view to improving outcomes for parties in dispute with the Charity Commission.

Potential students interested in pursuing postgraduate research in the area of charity law are invited to contact CLPU in order to obtain further information or to discuss any research proposals that they might have. Students may register for the postgraduate degrees of LL.M and PhD, either on a full-time or part-time basis.

Forthcoming Events

All events carry non-credit bearing CPD accreditation. These varied events are designed to encourage participation from all those involved with charities, whatever their discipline. As well as its regular visitors, the Unit hopes to welcome some new faces this year.

Third Sector Research Group:

Knowledge Exchange and Collaborative Working: The Third Sector and the University of Liverpool

This afternoon event will launch the working partnership between Liverpool Charity and Voluntary Services (LCVS), the University of Liverpool and third sector groups within the City of Liverpool and beyond with the aim of improving the understanding of the research needs of third sector organisations of varying sizes and the research interests and capacity of University researchers. The event will focus on identifying key areas such as independence; social value; health and social care; changing face of volunteering (workfare); and the impact of devolution.

21st October 2015

For a full programme and to register please click [here](#).

Public Lecture

Professor Elizabeth Cooke

Salaried Principal Judge of the First-tier Tribunal, assigned to the Property Chamber, to exercise the Land Registration jurisdiction within that Chamber, and as a Deputy Judge of the Upper Tribunal, assigned to the Tax and Chancery Chamber

‘Charity Law and the Boundaries of Non-Political Law Reform’

18th February 2016: 6pm – 7pm

Hearnshaw Theatre, Eleanor Rathbone Building, University of Liverpool

Followed by a reception. [Register here.](#)

Seminars

Matt Shillito

Charity Law & Policy Unit

‘The International Counter-Terrorist Financing Framework: A Disproportionate Burden for Charities and their Regulators?’

25th November 2015: 6pm -7pm

To be held at the London Campus. [Register here.](#)

Professor Alex Murdock

Professor Emeritus, South Bank University

‘Give Us This Day Our Daily Bread; Exploring Issues Arising from the Growth of Food Banks’

28th January 2016: 6pm – 7pm

Lecture Theatre 4, Rendall Building, University of Liverpool. [Register here.](#)

(Update on seminar held last year at the London Campus)

Dejian Li

Charity Law & Policy Unit

‘Rethinking the Role of Members in Charity Governance: From the Economic and Comparative Perspectives’

19th May 2016: 6pm – 7pm

Lecture Theatre 4, Rendall Building, University of Liverpool. [Register here.](#)

Property Law Lecture

Norris J (Vice-Chancellor of the County Palatine) and Chancery Supervising Judge for the North West

‘The Poetry of Property: Its Commoditisation and Commercialisation’

4th November 2015: 6pm – 7pm

Hearnshaw Theatre, Eleanor Rathbone Building, University of Liverpool

Followed by a reception

[Register here.](#)

In a new initiative, the Liverpool Law School is collaborating with the Chancery & Commercial Practice Group, Atlantic Chambers Liverpool to host this event

Contact Details

For More Information

If you would like more information about supporting research by the CLPU or more information about postgraduate study contact:

Professor Debra Morris
Director, Charity Law & Policy Unit
The Liverpool Law School
University of Liverpool
Liverpool L69 7ZS
England
Telephone: +44-(0)151-794 2825
EMAIL: Debra.Morris@liverpool.ac.uk

For up to date details of the Charity Law & Policy Unit’s activities please see its website at: <http://www.liv.ac.uk/law/research/charity-law-and-policy/>