

CHARITY LAW & POLICY UNIT – CLPU

NEWSLETTER

2023 – 24

A MESSAGE FROM THE DIRECTORS

Welcome to the October 2023 edition of the annual Charity Law & Policy Unit newsletter. In this newsletter, we report on our recent activity and introduce some upcoming events.

Message from Debra Morris, Former Director of CLPU.

By the time you read this message, I will have begun my retirement from the University of Liverpool and I am very much looking forward to the next stage in my life! I was a founding member of CLPU, way back in 1994, and it has been a wonderful privilege to act as its Director over many years (1996–2001, 2010–2023). Sincere thanks to all those who have supported us over the years: staff members; members of our external Steering Committee; funders and sponsors; research collaborators; speakers and participants at our countless events; and finally, everyone who is reading this and who in some way contributes to our Charity Law & Policy research community. I am very proud of what we have achieved so far and I am excited thinking about what the future holds as we take CLPU in new and exciting directions. I am delighted that, as well being given the title of Professor Emerita by the University of Liverpool, I have also been appointed as an Honorary Professor and will continue my association with CLPU. I am equally delighted to hand over the reins of the leadership of CLPU to my very able colleague, Dr Jennifer Sigafos, to whom I wish every success in the role.



Message from Jennifer Sigafos, Incoming Director of CLPU.

We wish Debra a long and prosperous retirement. We also said farewell at the end of this year to our colleague Dr John Picton, who has taken up a new role as Reader in Property and Trusts at the University of Manchester. Again, we will continue our association with John through his appointment as an honorary member of staff at the University of Liverpool. John's position in Manchester, along with Professor Warren Barr's new role as Dean of Birmingham Law School present significant opportunities for the reach of CLPU to extend within these two institutions and we will report further on these developments in due course.



We have some exciting plans upcoming for this year. We launch our programme of events with our next Charity Brief with Professor Nicholas Ryder, from Cardiff University, on 24th October 2023 from 1–2pm via Zoom to speak about 'Higher Education Institutions and Money Laundering'. I hope you all will join us.

We are also busy planning an International Charity Law Symposium on 17th – 18th June 2024, along with associated edited volume, in honour of Debra's retirement. In recognition of Debra's long and sustained contributions to the field, the Symposium topic will be on 'Challenges in Non-Profit Law since the 1990s'.

If you would like to contact me about our events, or 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, be that in person, or online, at one of our events in the coming year.

All the best

Debra Morris and Jennifer Sigafos

SPONSORSHIP

We are delighted that the leading Northwest law firm Brabners kindly agreed to continue to sponsor the work of CLPU. This support is integral to the continuation of the Unit's research into the legal issues surrounding charities and third sector organisations.

Liverpool Law School students have also benefited greatly from Brabners' ongoing support with exciting opportunities of work experience at the firm, boosting both students' knowledge of charity law and their CVs! The Brabners-sponsored prize for the best student in the undergraduate Charity Debates module had joint winners this year. Congratulations to Adam Reed and Yi Leong.

We are extremely grateful to Graeme Hughes, Partner and Head of Charity and Social Enterprise at Brabners, and his partners for their continued support.

Brabners



Adam Reed and Yi Leong receiving their prizes from Professor Anu Arora at their graduation celebration in July 2023.

FUNDED RESEARCH PROJECTS

Dr James Organ and Dr Jennifer Sigafos, together with Dr Sophie Wickham, a colleague in the Institute of Population Health Sciences, successfully completed the third year of their project, funded by Liverpool City Council on 'Increasing Access to Justice in Liverpool'.

The aim is to better understand the functioning of the network of public, private, and voluntary sector organisations that provide legal advice services within Liverpool, as well as to facilitate an online referral network linking together these services.

Highlights this year include: the drafting of a co-generated Advice Strategy for Liverpool City Council and the local advice sector which has received political agreement in the Council; the appointment of an ESRC-funded (through the NWSSDTP Pilot Placements Scheme) research intern, Eve Pennington, supporting a second round of data collection over summer 2023; and the appointment of two funded interns (through the University of Liverpool 2022-23 Undergraduate Research Scheme) who were placed with Citizens Advice Liverpool to work on a project evaluating voluntary organisations' take up and use of the online referral network.

Congratulations to James, Jennifer and Sophie who were awarded the inaugural Socio-legal Studies Association (SLSA) Impact Prize in 2023 for their work on 'Establishing the Liverpool Access to Advice Network: No Wrong Door, Free Legal Advice for All'. Further information can be found [here](#).



Dr Jennifer Sigafoos, Dr James Organ, and Dr Sophie Wickham.

Dr John Picton and Dr Matt Shillito also made a successful bid for a funded intern under the University of Liverpool Undergraduate 2022–23 Research Scheme to work on a project on the challenge of regulating the use of ‘Decentralised Autonomous Organisations’ (DAOs) by charitable organisations. Together with Dr Bonnie Holligan, of Sussex Law School, they were then successful in a funding bid to the Society of Legal Scholars (SLS) Small Projects and Events Fund and will be hosting a workshop in Liverpool on this topic in January 2024.

PARTNERSHIPS, EXCHANGES, IMPACT

Members of CLPU continue to influence the development of charity law and policy through their responses to various relevant consultations, including the Fundraising Regulator’s Review of the Code of Fundraising Practice 2022–24 (December 2022) and the Law Commission Call for Evidence on Decentralised Autonomous Organisations (DAOs). All our formal responses are uploaded onto the CLPU website and can be found [here](#).

CLPU made a written response to the Scottish Social Justice and Social Security Committee’s consideration of the Charities (Regulation and Administration) (Scotland) Bill at Stage 1. As a result, John Picton was then invited to give oral evidence before the Scottish parliament in March 2023. The recording of the meeting of the Social Justice and Social Security Committee at which John appeared as an expert witness can be viewed [here](#).

The Bill was passed on 28th June 2023 and became an Act on 9th August 2023. The Act will improve the accountability and transparency of charities and increase the powers of the independent Scottish Charity Regulator (OSCR).



John Picton at the Scottish Parliament.

Debra Morris became a founding member of the board of advisors for the International Charity Law Network, which was formed in September 2022 as an outcome of the Charity Law Workshop held in London at the University of Notre Dame (US) London Global Gateway. The Network grew out of a recognition by charity law scholars around the world that their work could benefit from connecting with similar scholars in other countries and that governments in many countries are wrestling with similar issues arising under charity law. These issues include: the appropriate legal definition for charities; what activities should be limited or prohibited for charities; and to what extent the law should channel or restrict charity-government relationships.

The Network has developed a [website](#) and a related newsletter to keep participants informed about important charity law scholarly developments. It is planning another gathering in 2024.



2022 Charity Law Workshop, University of Notre Dame (US) London Global Gateway.

In early 2022, Dr John Tribe joined the Government's 'Director Education Advisory Group' - a significant long-term collaborative project that spans across various Government departments and industry. It includes stakeholders from HMRC, Treasury, Institute of Directors, Institute of Chartered Accountants of Scotland, Funding Circle, RBS and is being led by the Insolvency Service. The [Director Information Hub](#), launched in July 2023, is the first outcome from this project.

Another highlight during the year was John Tribe's appearance on Sky News in August 2023 when he was interviewed by Royal correspondent Laura Bundock. In the interview, they discussed royal patronage and the idea of the 'Patronage Bargain', which is the symbiotic relationship that exists between the charity patron and the charity client, an idea mooted by John in various articles that he has written.



John Tribe on Sky News talking about royal patronage.

CLPU RESOURCE ROOM

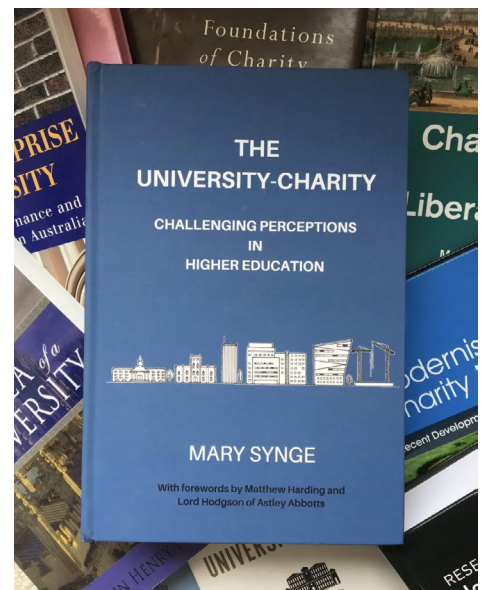
The CLPU Resource Room is located in the new School of Law and Social Justice building and contains archive materials and texts related to charity law.

If anybody would like to visit the Resource Room for research purposes, please do get in touch.

PRESENTATIONS AND PUBLICATIONS

[A full list of Unit publications can be found on the CLPU website.](#)

One highlight to note is that our Honorary CLPU member, Dr Mary Syngé's, new book, *The University-Charity. Challenging Perceptions in Higher Education* was published in March 2023. The book contains the first study of universities through a charity law lens. Heralded as 'trailblazing', 'magisterial' and 'stimulating, comprehensive and innovative', the work is a hugely important addition to the literature, challenging common perceptions of universities as large businesses and/or public sector bodies, and offering a new perspective for university governors, leaders and academics alike.



For further information, and to order a copy of the book please [click here](#).

CLPU members were able to resume travel in the last year, presenting papers at conferences and other events in the UK and overseas. This is in addition to the continuation of their participation in key online events. In July 2023, Dr John Picton presented at the Modern Studies in the Law of Trusts, Wealth Management & Philanthropy Conference series. The 2023 conference was co-organised by Singapore Management University, Centre for Commercial Law in Asia, the University of York, and The Dickson Poon School of Law, King's College London.

[A full list of Unit presentations can be found on the CLPU website.](#)



John Picton at Singapore Management University.



Matt Shillito at the Anti-Financial Crime Summit, London.

POSTGRADUATE RESEARCHERS



Matilda Clough is now in the writing up stage of her PhD. Tilly's research interests lie predominantly in charity law and educational law and policy. In this intersection, her thesis explores the charitable status of independent schools and whether this status can be justified.

Tilly is taking up a lectureship at Queen's University Belfast Law School this year and we wish her the very best of luck in her academic career.

CLPU colleagues are also currently supervising: Faisal Alotaibi, who is looking at commonhold property ownership; Stratos Koytzoumis, who is exploring aspects of housing law and the nature of the home; William Norcup Brown, looking at the rights clash between private landowners of 'quasi-public property' and members of the public seeking to access that land; Michal Smyk, who is investigating the use of trusts as a means of disguising beneficial ownership for the purposes of money laundering; and, Elin Williams, whose research is on cryptocurrency-based money laundering.

All these students also participate in CLPU events.

UNDERGRADUATE TEACHING

In the academic year 2022-23, CLPU members continued to teach the unique 'Debates in Charity Law' module to final year undergraduate law students. There was good student engagement with the module, and students also attended online Charity Briefs. Student evaluations of the module were excellent.

"I really enjoyed the different topics we studied and I thought everyone who did the debates with us were really good and had great knowledge about the subject."

"The module was also a really nice follow on from Equity and Trusts as it brought that module to life, which made a lot of things that didn't really make sense in 2nd year click into place."

"This was a really enjoyable module!"

EVENTS

During this past year, CLPU hosted a range of activities, from online-only events, through to hybrid and ultimately in person only events, as the circumstances allowed.

CLPU ONLINE CHARITY BRIEFS

We continued our series of online Charity Briefs in 2022–23. The format of these 1-hour online sessions, consisting of short presentations and then Q & A/ discussion, remains popular. In the past year, we heard from: Dr Mary Synge, CLPU Honorary Senior Research Fellow, on *From Charity to For-profit: Some Questions*; Helen Rice, of Age UK, West Sussex, Brighton & Hove on *Shifting Sands – Surviving Uncertain Times*; Rhodri Davies, of Why Philanthropy Matters, on *Sticking To Their Knitting: Charities, Campaigning & Politics*; and Dr Hui Jing, of University of Hong Kong on *Examining the English Necessary Interest Rule in the Charitable Trust Setting*.



From left to right: Dr Mary Synge, Helen Rice, Rhodri Davies, Dr Hui Jing

[Recordings of CLPU online Charity Briefs can be watched here.](#)

An Uncharitable Alliance: *Mermaids v The Charity Commission and the LGB Alliance*

In November 2022, a roundtable hybrid event was held in which CLPU members joined forces with other colleagues within the School of Law and Social Justice to discuss the then ongoing Charity Tribunal case of *Mermaids v The Charity Commission and the LGB Alliance* [2023] UKFTT 563 (GRC) in which *Mermaids* charity was challenging the decision by the Charity Commission to award charity status to the LGB Alliance. The issues raised by the case engaged the expertise of several research groups within the School, with speakers drawn from the Feminist Legal Research and Action Network (FRAN); the Liverpool Children’s Rights Unit (LCRU); the Health Law and Regulation Unit (HLRU). and CLPU. Jennifer Sigafos represented CLPU, discussing the impact of the Equality Act 2010 on women’s and trans rights, and whether the LGB Alliance appears to meet the legal test for charitable status.

The decision in the case was finally given on 6th July 2023, with the Tribunal deciding that the law does not permit *Mermaids* to challenge the decision made by the Charity Commission to register LGB Alliance as a charity. During the course of its decision, [reported here](#), the Tribunal referred to an article written by Brett Crumley (who was a postgraduate student with CLPU) and John Picton, ‘Still Standing?: Charitable Service-Users and Cy-Pres in the First-tier Tribunal (Charity) (2018) 82 Conveyancer and Property Lawyer 262.



Annual Property Law Lecture

The eighth annual Property Law lecture, held in conjunction with the Chancery and Commercial Practice Group, Atlantic Chambers, took place in February 2023. The lecture, delivered by the Hon Mr Justice Fancourt, Vice-Chancellor of the Country Palatine of Lancaster, Supervising Judge of the Business and Property Courts for the Northern & North-Eastern Circuits, was titled 'Forfeiture, Penalties, and Damages in Property Law'. In this lecture, the judge considered the proper scope of forfeiture of property and contractual rights, with reference to the law of penalties and damages. The lecture was delivered on a hybrid basis from Liverpool. The recording was later posted online for others to watch and can be found [here](#).



The Hon Mr Justice Fancourt delivering the annual Property Law lecture.

Watch out for details of the upcoming 2024 Annual Property Law Lecture coming soon.

FORTHCOMING EVENTS

Online Charity Briefs

We will continue our series of Charity Brief online events. Further details will follow in due course.

Higher Education Institutions and Money Laundering

Tuesday 24th October 2023 | 13:00 - 14:00 | School of Law and Social Justice
Professor Nicholas Ryder, Cardiff University, will deliver the lecture.

[Register here via TicketSource](#)

One-Day Conference

Regulating the Decentralised Autonomous Organisation

Thursday 25 January 2024 | School of Law and Social Justice

With funding from the Society of Legal Scholars, this event will bring together academics, practitioners, and industry to discuss the wide-ranging legal implications of Decentralised Autonomous Organisations (DAOs). Ultimately, the conference will result in the forming of a DAO legal network to pursue emergent themes in the future.

For further information, please contact [Matt Shillito](#).

International Charity Law Symposium

Watch out for further details on our planned International Symposium to take place June 17- 18th 2024 in the SLSJ Building.

The theme for the Symposium will be 'Challenges in Non-Profit Law since the 1990s', in light of Debra Morris's past 35 years of effort in the field. One outcome from this event will be an edited collection of essays by invited participants.

The Symposium organising committee are: Matt Shillito (University of Liverpool), Jennifer Sigafoos (University of Liverpool), John Picton (University of Manchester) and Mark Sidel (University of Wisconsin-Madison).



CLPU members outside the Reader, Calderstones Park, Liverpool, during a recent research away day.



Professor Debra Morris' retirement celebrations.

CONTACT DETAILS

For up-to-date details of the CLPU's activities [visit our website](#).

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

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