



# Newsletter

October 2011

## A Message from the Director....

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

As we approach the start of a new academic year, we can report that our first year of operation as the re-launched Charity Law & Policy Unit was a very active and successful one for us all here at the Unit.

I had the benefit of a period of study leave during the second semester of 2010-2011 (February to May 2011) and you will be able to read some of the outputs of that work in 2012. Jonathan Garton is moving on to pastures new and we wish him best of luck in his new post at Warwick University. He will be maintaining his links with the Unit. Our Phd students, John Picton and Tessema Beyene are both making good progress and you will read more about John's achievements in this newsletter.

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. If you would like to contact me about these 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**

Director, Charity Law & Policy Unit

## Sponsorship

We are delighted to announce that the leading North West law firm Brabners Chaffe Street 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 Chaffe Street, and his partners for their continued support. During the last academic year, support from Brabners Chaffe Street enabled CLPU to employ Karen Atkinson as a Research Assistant, and we are planning to employ Karen again in 2012.



## Research Update

Following on from the CLPU event held in December 2010, where a lively discussion took place with colleagues in the **Department of Sociology, Social Policy and Criminology** on the impact of the Big Society on the voluntary sector (see [http://www.liv.ac.uk/law-and-social-justice/research/clpu/current%20activities/big\\_society\\_Big\\_Societyreport9th\\_December\\_2010.pdf](http://www.liv.ac.uk/law-and-social-justice/research/clpu/current%20activities/big_society_Big_Societyreport9th_December_2010.pdf) for further details), members of CLPU have continued to pursue their research interests in this area. Debra Morris has been looking at the impact of the Big Society initiatives on charities, with particular emphasis on the legal limitations under which charities must operate. She presented a paper based around this research at the annual European Research Network on Philanthropy (ERNOP) Conference 2011 on 'Philanthropy and Civil Society: European and Transnational Perspectives' which took place at WU Vienna University of Economics and Business. She has also returned to her previous interest in schools with charitable status and has connected the Big Society concept with free schools and academy schools (both with charitable status). Watch out for her forthcoming journal articles on these areas in *Legal Studies* and the *Journal of Social Welfare & Family Law*. Warren Barr has also been working on the impact of Big Society, this time, on social housing, and he is planning further research in this area in the near future. He will be presenting a Conference paper arising from this work in March 2012 at the Modern Studies in Property Law Conference at Southampton, and it is expected that this will be published in the forthcoming *Modern Studies in Property Law* book series in 2013 by Hart Publishing, Oxford.

CLPU is holding a follow-on discussion event, again, in conjunction with colleagues in the Department of Sociology, Social Policy and Criminology, which will focus on the impact of the Big Society on volunteers. Details of this event can be found at the end of the newsletter.

Bids for funded research projects have been prepared and submitted, looking at charities and the Equality Act 2010 and the effectiveness of the Charity Tribunal and news on the outcome on these bids is currently awaited.

## Visitors from Overseas

During the summer of 2011, CLPU acted as host to Kim Weinert, Adjunct Tutor and masters student at Bond University, Australia. She spent a week in Liverpool consulting our resources and talking to staff and students. Her thesis is looking at how the law regulates the not-for-profit sector in Australia. It includes a comparative analysis of legislative duties and obligations within the statutes of the state jurisdictions and the federal Corporations Act, highlighting major legislative shortfalls across the board for incorporated associations. She is also examining the UK model with a view to seeing what Australia could learn from the UK experience. Not only did she find her time at the Unit beneficial for her research, but she also loved visiting the city of Liverpool. We wish Kim luck with the completion of her dissertation and look forward to seeing her again.



Bond University, Australia

## Australian Centre for Philanthropy and Nonprofit Studies

CLPU and the Australian Centre for Philanthropy and Nonprofit Studies (ACPNS), at Queensland University of Technology Business School, Australia have recently entered into a Memorandum of Understanding, which acknowledges their existing working relationship and envisages more co-operation in the future. Members of the Unit have already collaborated with joint research projects in the past by attending conferences and contributing to publications. They are also on the International Advisory Board of the Centre's Nonprofit Model Law Project. Members of CLPU look forward to working with Professor Myles McGregor-Lowndes, the Centre's Director, and his colleagues, in the future.

## Visiting Fellow

In June 2011, Debra Morris was appointed a Visiting Fellow at the Van Leer Jerusalem Institute in Israel. She conducted a day-long seminar with participants of the discussion group on Legislative Principles for Not for Profit Organizations in Israel, and officials from the Israeli Ministry of Justice, in which she spoke about the regulation of charities in England. The aim of the visit was to contribute locally to a better understanding and knowledge of charity law from an international and contemporary view, at a time when the Israeli government is considering the reform of its own charity law. Whilst in Jerusalem, she had a meeting with Deputy Attorney General for Economic and Fiscal Affairs, Adv. Avi Licht and his colleagues, where they held wide-ranging discussions on government encouragement for social investment and social enterprises. The visit was coordinated by Dr Nissan Limor, Chair and Academic Director of the Van Leer Third Sector Forum.



Debra Morris with Dr Nissan Limor and his colleagues in the Van Leer Third Sector Forum.

## News from our postgraduates

We are delighted to announce that John Picton published a case note in the specialist journal, the *Conveyancer*, earlier in 2011. Linked to his PhD study, the note considered the Chancery Division decision in *Kings v Bultitude* [2010] EWHC 1795 (Ch) that a charitable gift to an independent church, which ceased to function following the testator's death, was not saved by the *cy-près* doctrine and thus should pass on a partial intestacy. In his note, John outlines the principles relevant to such bequests and their application by the judge to the facts of the case. He considered whether the gift could have been saved and whether the case is likely to have an impact on judicial willingness in charitable gift cases to lean in favour of charity. Congratulations to John on his first academic publication. The full note can be read at: Picton, 'Kings v Bultitude - a gift lost to charity' [2011] Conv 69.

Tessema Beyene has now settled into life in Liverpool and is starting to make good progress on his PhD looking at 'the impact of laws and policies governing charities in the democratization process of a country: Ethiopia as a case study'. Tessema is also working with the School of Law and Social Justice's 'Interchange' project, a charity which links higher education with community and voluntary groups on Merseyside with Liverpool Hope University and the University of Liverpool.

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.

Please do send an email to [Debra.Morris@liverpool.ac.uk](mailto:Debra.Morris@liverpool.ac.uk) if you plan to attend any of our events.

### Public Lecture:

Professor Peter Luxton

Cardiff University

**'Public Benefit and Fee-paying Schools: the Upper Tribunal Decision and its Implications'**

**19 October 2011: 6pm – 7pm**

**Hearnshaw Theatre, Eleanor Rathbone Building, University of Liverpool**

**Followed by a reception**

Discussion:

Members of the Charity Law & Policy Unit with colleagues from the School of Sociology and Social Policy

**'Big Society: The Impact on Volunteers'**

**8 December 2011: 6pm – 7pm**

**Lecture Theatre 6, Rendall Building, University of Liverpool**

Followed by refreshments

Seminar:

John Picton

Charity Law & Policy Unit

**'Cy-Près; Lessons from Australasia'**

**23 February 2012: 6pm – 7pm**

**Theatre Workshop, Rendall Building, University of Liverpool**

Seminar:

Warren Barr

Charity Law & Policy Unit

**'Big Society and Social Housing: Never the Twain Shall Meet?'**

**24 May 2012: 6pm-7pm**

**Theatre Workshop, Rendall Building, University of Liverpool**

## Contact Details

### For More Information

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

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For up to date details of the CLPU's activities please see its website at:

[www.liv.ac.uk/law-and-social-justice/research/clpu/index.htm](http://www.liv.ac.uk/law-and-social-justice/research/clpu/index.htm)