

SECULAR STATUTES OF 1990 WITH PARTICULAR RELEVANCE FOR THE CHURCH

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Education (Student Loans) Act 1990. This Act is controversial because it challenges the established assumption that, subject to means tests, the government should fund fees and maintenance of all students taking first degrees. It envisages a proportion of such cost being met in future as a loan repayable by the student after graduation. The loans may be provided in respect of 'courses of higher education' as defined in a Schedule to the Act. These include first degrees and further training courses for teachers or youth and community workers. Thus first degrees in theology and post graduate courses for teachers of Religious Education would be covered. Post graduate degrees are not generally eligible although courses up to first degree level which could be funded would seem to include training for ordination. Loans can only be made in respect of universities and other designated institutions.

Town and Country Planning Act 1990 and Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. The Town and Country Planning Act 1971 and subsequent amendments are now consolidated. The provisions dealing with listed buildings and conservation areas have been put in a separate Act. This now includes the exemption from listed building and conservation area control for works carried out on ecclesiastical buildings in use.

Licencing (Low Alcohol Drinks) Act 1990. The definition of intoxicating liquor the sale of which is restricted is tightened. The approved strength is to be reduced from 1.2% to 0.5% by 1994. The church today is not generally associated with campaigns to prohibit alcohol as certain church groups once were. However it is doubtless a matter of Christian concern to contain alcohol abuse particularly by drivers. This provision is calculated to further this aim. It serves as a reminder of the care which is needed in selling or serving liquid refreshment at church events and on church premises.

Rights of Way Act 1990. Extended protection is given to footpaths, bridleways and other rights of way over agricultural land. This may include glebe and other church land. Provision is made for regulating ploughing and various operations which may interfere with rights of way. Occupiers are obliged to prevent crops other than grass encroaching on rights of way. Where an occupier fails to comply with these requirements by maintaining a minimum width, the highway authority may reinstate it to a greater width and charge the occupier, eg a footpath across a field which is not kept at 1 metre wide may be enlarged to 1.8 metres.

Marriage (Registration of Buildings) Act 1990. This allows a building to be registered for the solemnization of marriages under section 41 of the Marriages Act 1949 even though it forms only part of another building. The provision is mainly concerned with non-Anglican religious buildings but includes shared church buildings.

Human Fertilization and Embryology Act 1990. This Act grapples with major ethical issues arising from recent developments in medical science. A Human Fertilization and Embryology Authority is established. Various procedures are to be controlled by licences from a licencing committee of the Authority, notably the creation of human embryos outside the human body and implanting embryos in women. Experimentation on human embryos is limited to the first 14 days and such practices as mixing human embryos or gametes with other human material or with animal material are prohibited. So also is the placing of a human embryo in an animal or an animal embryo or gametes in a woman. A licence is not required for treatment involving the fertilization of a woman by a man if the treatment is 'being provided for [them] together'. However a licence may be granted for other practices giving rise to particular ethical concern such as fertilization of a woman by a man with whom she has no relationship or inducing pregnancy in a woman by means of eggs from another woman.

Where a child is born from a surrogate mother the Act provides that for legal purposes the child is to be treated as the child of the surrogate mother. The biological mother will only acquire legal status as a parent if subsequently allowed to adopt the child. Provision is made for a husband or a man who is receiving treatment together with the mother who bears the child to be legally regarded as the father irrespective of whether he is so biologically. The Act amends the Surrogacy Arrangements Act 1985 to make clear that surrogacy arrangements for the bearing of children are unenforceable by any party even if they are not unlawful.

The Abortion Act 1967 is amended so that after 24 weeks a pregnancy may not be terminated on the grounds that this will avoid the risk of greater 'injury to the physical or mental health of the pregnant woman or any existing children of her family'. This period was a compromise and there had been considerable pressure in Parliament to reduce it to 22 weeks.

Broadcasting Act 1990. This Act makes great changes to the organisation of British broadcasting. It gives new opportunities for access to the media by Christian and other religious groups but includes substantial safeguards against abuse. These might seem to suggest that religious broadcasting is regarded as potentially a greater risk to society than propaganda by most other vested interests. It is expected that further treatment of these issues will be given in a future issue of this Journal.