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## CLAS CIRCULAR 2013/07 (10 May 2013)

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## CHARITIES AND CHARITY LAW

### Press regulation and charity blogs: update

**For information**

We noted in the previous Circular that the Crime and Courts Bill was taking forward the press regulation proposals on exemplary damages response to Leveson Inquiry and that a new Schedule into the Bill to provide a series of exclusions which did not appear to be entirely watertight. In the event, the Bill was amended before Royal Assent and the Crime and [Schedule 15](#) to the Crime and Courts Act 2013 (Exclusions from definition of “relevant publisher”) provides a simple exemption for

“6(1) A public body or charity that publishes news-related material in connection with the carrying out of its functions.

(2) “Public body” means a person or body whose functions are of a public nature.”

The exemption for small-scale blogs is far more complicated (given that the original definition of a small-scale blog was quite hopeless). Schedule 15 tackles the problem in terms of the size of the business, as follows:

“Micro-businesses

8(1) A person who, in carrying on a micro-business, publishes news-related material where either condition A or condition B is met.

(2) Condition A is that the news-related material is contained in a multi-author blog.

(3) Condition B is that the news-related material is published on an incidental basis that is relevant to the main activities of the business.

(4) “Micro-business” means a business which—

(a) has fewer than 10 employees, and

(b) has an annual turnover not exceeding £2,000,000.

(5) The number of employees is to be calculated as follows—

(a) find the total number of hours per week for which all the employees of the business are contracted to work;

(b) divide that number by 37.5.

(6) “Employee” has the same meaning as in the Employment Rights Act 1996 (see section 230 of that Act).

(7) “Multi-author blog” means a blog that contains contributions from different authors”.

Blogs run by charities should be exempt on that ground alone (and, frequently, the charities in question will have so few employees that they will also qualify for protection as micro-businesses). The micro-business exemption will probably cover most blogs run by small voluntary organisations that are *not* charities.

Nevertheless, we would still recommend that anyone who runs a church blog should get a formal resolution from the church meeting/PCC/kirk session making clear that it is the congregation's blog, not the individual's. Better, we feel, to rely on the charity exemption than on the small-scale blog exemption.

[Source: *legislation.gov.uk* – 27 April 2013]