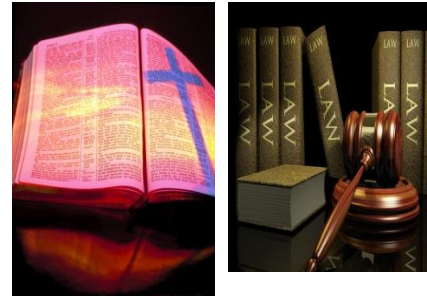


# Gospel & Law

## Candlemas Edition

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**Editorial:** Happy Candlemas – another packed edition of news, thoughts and dates – and this time a survey too. Your feedback is appreciated.

### **Obituary: Andrew Johnson**

**Lionel Lennox, Chair of the ELA, Provincial and Diocesan Registrar Director of Lupton Fawcett Denison Till has written to the ELS to say:**

‘It is with enormous sadness that I write to inform colleagues, Registrars and other members and friends of the ELA that Andrew Johnson died last night in his sleep. Andrew had been Registrar of first the Diocese of Salisbury, and then also of the Diocese of Winchester, for many years. Well known throughout the professional world of ecclesiastical law he was a well respected and much loved member of the Ecclesiastical Law Association.’ Condolences are sent to Sally his widow.

Andrew’s funeral will be held on Friday 20 February at 12.00 noon at St Mary’s Parish Church, Fordingbridge. Here is a link for directions to the Church:

<https://www.google.co.uk/#q=st+mary%27s+fordingbridge>

Having ‘sorted’ women Bishops the Church now heads rapidly on to other far-reaching reform and renewal. This February’s General Synod will consider four papers on Resourcing the Future, Resourcing Ministerial Education, Simplification and Developing Discipleship. These can be found at:

<https://www.churchofengland.org/about-us/structure/general-synod/agendas-and-papers/february-2015-group-of-sessions.aspx>

Much has already been written in several places eg:

The Church Times – Friday 16<sup>th</sup> January 2015

<http://www.fulcrum-anglican.org.uk/articles/who-is-ducking-what-in-the-cofe/>

[http://www.thinkinganglicans.org.uk/archives/cat\\_general\\_synod.html](http://www.thinkinganglicans.org.uk/archives/cat_general_synod.html)

There is clearly much to be debated but the following comments, from a legal perspective, might appropriately add to the debate. It is interesting that the simplification proposals include amendment of the Bishops Mission Order, given that the last ELS residential conference suggested that the major obstacle was simply the will to get on and use them. Concerns arise over changes to tenure; firstly some suggest that clergy have few enough employment rights as it is. Secondly and more significantly, short term contracts mean less stability yet current thinking about community work suggest that longer-term investment is needed to turn communities round. There is both a theological and practical issue as to how a more specifically evangelistic focus will affect ministry to those whose main contact is via the occasional

offices, service in the community, chaplaincy and other non-specifically congregational support. How will this affect the sense of being the church for all who live in the parish in times of need, what Grace Davey calls ‘Believing without belonging’ and ‘vicarious religion’, that is a valued aspect of the Church of England for many both signed up and more widely? Above all, as with all reform, there are issues to be addressed of transparency and checks and balances.

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**Feedback welcome...**

Gospel and Law in its current format is now heading rapidly for its 4<sup>th</sup> year. Thank you to all those who have read it and provided comment, feedback and copy over those years. However, we have decided to be a bit more systematic about inviting some feedback as we enter another year so it would be appreciated if you could take a little time to complete the survey on the following link:

<https://www.surveymonkey.com/s/KLSSR6S>

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**Some points of law:**

“The Legal Office has recently issued a note clarifying the position in relation to fees for crematorium funerals. It explains that under the Ecclesiastical Fees Measure 1986 the fees prescribed in the Fees Order are payable to the DBF and PCC whenever a clerk in holy orders of the Church of England officiates at a funeral service at a crematorium, and that it is not legally open to the clergy to operate on what amounts to a ‘freelance’ basis. Unless the DBF has expressly agreed that retired or other clergy who undertake occasional duties may keep it, it is therefore unlawful for a cleric to retain any fee which is payable to the DBF under the 1986 Measure and to do so in the absence of agreement with the DBF would amount to the appropriation of property belonging to another for the purposes of the Theft Act 1968.”

For more detail see:

[https://www.churchofengland.org/media/2144379/crematorium%20funerals%20and20parochial%20fees.pdf](https://www.churchofengland.org/media/2144379/crematorium%20funerals%20and%20parochial%20fees.pdf)

Coincidentally a disciplinary tribunal recently heard a complaint against Rev Dr Andrew Hawthorne, who had retained fees of over £26,000 for funerals he had conducted at the local crematorium and at the church where he was licenced. He claimed that he was entitled to keep the fees, but the tribunal found that he was not entitled and had acted dishonestly in retaining them. He was prohibited for life from exercising any of the functions of his Orders. Before the hearing took place Dr Hawthorne had joined the Ordinariate, claiming he was therefore no longer subject to the discipline of the Church of England. The Tribunal disagreed – he had not relinquished his orders under the Clerical Disabilities Act 1870 and was therefore liable to be disciplined under the Clergy Discipline Measure.

For a fuller account of the case see:

<http://www.lawandreligionuk.com/2015/01/29/clergy-discipline-former-clergy-and-parochial-fees/>

And some feedback from the last newsletter, from David Pickup:

Thank you for the newsletter. With reference to your heckler are you sure he was not shouting "Pollock's"? a reference Rt Rev Bertram Pollock Bishop of Norwich or even Rev Stephen Pollock who has published sermons on Isaiah? !

<http://www.sermonaudio.com/search.asp?chapter=53&verse=10&keyword=isaiah&BibleOnline=true&currSection=sermons bible&exactverse=TRUE>

To be more serious I was having discussions with clerics before Christmas on hecklers at midnight Mass. The rubric states that communicants should indicate their intention to take communion to the priest in advance. I have never known anyone do this.

**Editor's Note – in parts of the Roman Catholic Church** Communicants signal their intention to receive by placing a host in the ciborium on entering the church. Could work?

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**Lectures and Conferences:**

**Magna Carta events at the Temple Church – more information can be found at:**  
<http://www.templechurch.com/magna-carta-1215-2015-londons-temple-and-the-road-to-the-rule-of-law/>

**The ELS Event for Magna Carta will be on Monday 23<sup>rd</sup> November 2015.** It will begin at 6pm with Choral Evensong, include an address by the Master on Temple Church and Magna Carta and conclude with drinks and canapés. Tickets are £50 (£90 non-members) and bookings are now open.

**London Lectures 2015 at Winckworth Sherwood, Montague Close, London SE1 9BB**

11<sup>th</sup> March – Archbishop Kallistos Ware on Canon Law from an Orthodox perspective  
17<sup>th</sup> June - Aiden Hargreaves-Smith on the Diocese in Europe  
14<sup>th</sup> October - Charles Mynors on the faculty jurisdiction in the light of the new Care of Churches (Amendment) Measure

**The Biennial Residential Conference** will be held from 17<sup>th</sup> to 19<sup>th</sup> April 2015, on "Funerals, Burial and Churchyards," in Bristol, next to the Cathedral, where most of our worship sessions will take place. Early arrivals will be able to join in Evening Prayer at the outstanding city church of St Mary Redcliffe. The conference will include 'Setting the Scene' by Professor Douglas Davies and Rev Sandra Miller of the Funerals Project, perspectives on Funerals from Dr Frank Cranmer, Churches Group on Funerals; Burial and Exhumation by HH Rupert Bursell, QC, Chancellor of Durham; keynote addresses by Bishops Geoffrey Rowell and Bishop Christopher Hill; Heritage by Dr Joseph Elders, Church Building Council and Providing for the future by Dr Julie Rugg.

This will be the final conference presided over by Bishop Christopher as our Chairman. Make sure the dates are in your diary and as bookings are now open, feel free to book.

**Re the AGM** - As usual we will be electing the officers of the society at this year's AGM. However, this year Bishop Christopher (Chair), Claire Faulds (Vice Chair) and John Rees

(Treasurer) are all likely to stand down. This is therefore the time to think about nominations for new candidates for these posts. There are also three committee places open for re-election.