

Gospel & Law

Epiphany Edition

Editor: Revd Dr Catherine Shelley
Circulation & events: Andrew Male

revdrcath@gmail.com
admin@ecclawsoc.org.uk



Welcome to the Epiphany Edition of Gospel and Law, a bit of a bumper edition thanks at least in part to suggestions and contributions sent by members. There are some updates on a variety of cases from the past month or two along with brief comment on other topical issues such as baptism and the Pilling report. A correction to the Christmas feature on mince pies is much appreciated. As usual there is advanced publicity about forthcoming events and a new book on Protections for religious rights and news of one of the society's longest-standing members. Happy Epiphany, with the light of revelation continuing to shine through the wintry weather.

The Exclusive Brethren (aka Plymouth Brethren Christian Church), Preston Down and the Charity Commission: (with thanks to Valerie James for her summary.)

The case concerned an appeal by the Brethren against the Charity Commission's decision to refuse registration as a charity to Preston Down Trust. Following a stay of the Tribunal's proceedings granted at PDT's request, negotiations have produced an agreed solution. The Charity Commission recognized that the PDT provides public benefit under the heading of religious practice and education through allowing public access to worship, street preaching and some charitable community engagement and giving. One problem had been that membership was closed and participation in worship limited for those not deemed 'well-disposed' nor complying with the dress code. Another was based on harsh and potentially detrimental practices such as shunning members who left or failed to meet the standards of the church and limiting the life opportunities of children within the PBCC. The harm to those former members and to children was considered to outweigh the public benefits identified above. By amending their governing trust deed to provide a greater emphasis on compassion and forgiveness and by committing themselves to change, PDT have satisfied the Commission that the organization now merits registration.

The 'ASBO Bill' – Whilst the charity commissioners were preparing to recognize as a public benefit the PBCC's practice of street preaching, the House of Lords were defeating a clause of the 'ASBO Bill' on the basis that it might prevent street preaching, carol singing and related public religion as 'capable of causing nuisance or annoyance'.

Faculty Cases - There seem to be an interesting range of cases being decided which illustrate the conflict of practical modern considerations with historic preferences and fabrics. These include:

St Peter Lawford - Coventry Consistory Court – Eyre Ch in which there was discussion of the replacement of stolen lead with zinc. That application was refused in favour of terne coated steel. However, a move to replace all the lead with TCS to prevent further lead theft and the associated damage, was also refused on the basis that there was still life in most of the roof and wholesale replacement was not yet called for.

St Peter Wolverhampton - Lichfield Consistory Court – Eyre Ch – The replacement of a Makin electronic organ with a Bevington Pipe organ, offered for free, was refused because the latter was too large for the space. Gift horses may need to be looked in the mouth occasionally, even if they might enhance the church’s musical capacity.

St Michael and All Angels, Whitchurch - Norwich Consistory Court – Chambers Ch
Secondary glazing to retain heat was approved for a nave window of a Grade II listed church, which was now used primarily for community events. Harm to the architecture of the building resulting from the changes would be outweighed by the benefit for community use.

Alternative Baptism service – Do not believe all that you read and hear in the media and when religion and the Church of England is being talked about doubly so. Reports of the expunging of sin from the baptism service are much exaggerated. A quick examination of the helpfully comparative texts in the *Baptism pack for trial use* does show that the one reference to the devil has been removed. However, concepts like rejecting evil, in all its forms and following Christ are very much alive and are repeated. If you want to check try:

<http://www.churchofengland.org/media/1903641/baptism-pack-for-trial-use.pdf>

And news from abroad... via Barry Bussey - In a seemingly extraordinary Canadian case a Jesuit College in Quebec is struggling to maintain its confessional independence, particularly when teaching its Ethics, religion and culture course. The decision that initially threatened their teaching suggests that the right to religious freedom is personal and cannot be enjoyed by a corporation. On appeal the government’s goal of ‘deconfessionalising’ education was supported. The court appears to say that the college can teach Catholicity on days outside the ERC course but not in the ERC course itself. The matter is now heading for the Supreme Court. More details are found at: http://www.cccc.org/news_blogs/barry/2013/11/22/only-a-little-pork-in-the-soup-can-religious-beliefs-be-put-on-hold/

A correction to the Christmas article about mince pies, from Paul Heatherington
“Forgive me if I don’t mince my words. I fear you are in error. The following is from an informal document produced by the Law Commission’s Statute Law Repeals team in

March 2013 to answer some of the queries that they regularly receive about alleged old laws. The only Christmas Day on which eating mince pies was illegal was in 1644, as 25 December that year fell on a legally-mandated day of fasting. Subsequently, the Long Parliament of the Interregnum banned all celebrations of Christmas (An Ordinance for Abolishing of Festivals, 1647). However, mince pies themselves were never banned, although they were strongly disapproved of as a symbol of the immoral excesses of the festive season. Further legislation was proposed in 1656 to clamp down on illicit Christmas celebrations, but it was never enacted. Statutes of the Interregnum were held to be invalid following the Restoration or the Monarchy, as they had been passed without Royal Assent. Some statutes were later re-enacted by Charles II, but the 1647 Ordinance that banned Christmas was not amongst them.

http://lawcommission.justice.gov.uk/docs/Legal_Oddities.pdf

Kind regards Paul Heatherington

The Pilling Report: There was favourable coverage of the strong injunction to repent and avoid homophobia and for some level of flexibility in pastoral support for gay members of congregations, both couples and those who are single. Overall however the report reiterates the position of *Issues in Human Sexuality*, continuing to draw a distinction between clergy and laity on the basis of leadership and example. Whilst scope is given for pastoral support and prayers there is no endorsement of a formally approved liturgy for the blessing or thanksgiving for LGBT relationships.

Registrars – Partly in response to the Pilling Report and similar, though less public, debates in other churches a colleague has asked whether there is anything in Canon or Civil Law that would prevent someone being qualified or recognized as both a priest licensed to conduct Church of England weddings and a Registrar licensed to conduct civil weddings? It raises the question of whether there are any SSMs who are civic registrars in their day job and CofE clergy outside the day job? If there are, where do they stand in respect of canonical obedience following March deadline for gay marriage? Since the Ladele case it is clear law that it would be contrary to the Equalities Act and their contractual duties not to perform a gay marriage in their daytime hours....

In the light of this potential dilemma we have had news of a new book that may be relevant. *The Protections for Religious Rights: Law & Practice*. It is authored by Sir James Dingemans, Can Yeginsu, Tom Cross and Hafsah Masood, with a foreword by Professor Sir Bernard Rix and is published by Oxford University Press. The book is available to our members at a 20% discount, details of which are set out in the attached flyer.

And on a celebratory note the Committee has agreed to award Honorary Life Membership of the Society to Oswald Clark CBE who has written to the Chairman with

thanks, memories of the Society and reports of celebrating his 96th birthday! Oswald Clark was a founder member of the Society and one of the first to take the LLM at Cardiff.

NEWS of Forthcoming Events:

Day Conference & AGM 2014 – Safeguarding – 5th April 2014 at the Cardinal Vaughan Centre, Westminster – cost £35 members or £70 for non-members. A flyer is included with the January 2014 issue of the Journal for those members who have not yet booked a place.

Speakers include:

Bill Jacob, Archdeacon of Charing Cross,
Elizabeth Hall, National Safeguarding Adviser to the Archbishop's Council,
Nicola Harding Joint Registrar Ripon and Leeds and
Adrian Iles, Designated Officer under the Clergy Discipline Measure.

The Conference will include updates on good practice as well as proposed developments in Church law on the matter in the light of the Chichester visitation.

The Biennial Residential Conference will be held in April 2015 in Bristol. Its focus on the Funeral Project, exhumations, memorials and other grave cases will make it dead exciting.... And it is anticipated that committee meetings between now and then will be dominated by appalling puns around death... The conference will also be the final conference presided over by Bishop Christopher as our Chairman...

London Lecture:

29th January 2014 – Charles George, Dean of the Arches on the Faculty Jurisdiction Rules 2013 to be held at Winckworth Sherwood, Montague Street Southwark at 5pm