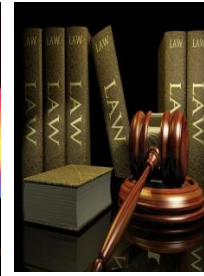
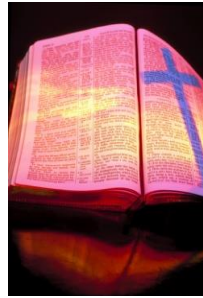


# Gospel & Law

## Advent Edition

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**Editorial:** Welcome to an Advent edition of Ecclesiastical Law, beginning with a report from General Synod and its historic news about women in the episcopacy. Following on from the theme of training in the last issue there is the first of a series of snippets from the Canons. As usual there is a range of events for your diaries, key among them is the AGM next year and a call for nominations to various posts. I hope you are enjoying a peaceful and holy Advent and all best wishes for Christmas when it arrives.

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### Synodical Matters:

The decision that made the news was of course the enactment of the Canon allowing women to be appointed to the Episcopate. However, the other items dealt with were far from insignificant. They included:

Final Approval of the draft Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure and the draft Ecclesiastical Property Measure

Consideration of proposed revised Guidelines for the Professional Conduct of the Clergy based on the Ordinal and with a reflection by Francis Bridger and revised guidance about the ministry of absolution.

Consideration of the report from the revision committee on the Naming of Dioceses Measure.

The introduction of the draft Diocesan Stipends Funds (Amendment) Measure, which will allow DBFs to adopt a 'total return' approach to the investment of the capital accounts of their diocesan stipends funds.

Considering the wider world there were also a presentation on Violence against Religious Minorities in Iraq and Syria and a debate on the spare room subsidy on a motion from Leeds Diocesan Synod.

In ecumenical news the Report from the Council for Christian Unity on the Anglican-Methodist Covenant was noted, and there were reports about the Representative of Pentecostal Churches of the General Synod and new signatories to the Porvoo Declaration.

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### Did you know?

Feedback in response to last month's piece about the decisions in Gloucester Consistory Court and exhortations about training in Church law suggested that the newsletter might be a possible vehicle for some training or awareness-raising. So it has been agreed that we will include a monthly note

about particular aspects of church law and canons. This month, looking at the basics, when do you need a faculty?

Firstly, **Canon F 13 Of the care and repair of churches states....**

1. The churches and chapels in every parish shall be decently kept and from time to time, as occasion may require, shall be well and sufficiently repaired and all things therein shall be maintained in such an orderly and decent fashion as best becomes the House of God.
2. The like care shall be taken that the churchyards be duly fenced, and that the said fences be maintained at the charge of those to whom by law or custom the liability belongs, and that the churchyards be kept in such an orderly and decent manner as becomes consecrated ground.
3. *It shall be the duty of the minister and churchwardens, if any alterations, additions, removals, or repairs are proposed to be made in the fabric, ornaments, or furniture of the church, to obtain the faculty or licence of the Ordinary before proceeding to execute the same.*
4. In..... every parochial church and chapel, a record of all alterations, additions, removals, or repairs so executed shall be kept in a book to be provided for the purpose and the record shall indicate where specifications & plans may be inspected if not deposited with the book.

#### **F 14 Of the provision of things appertaining to churches**

The things appertaining to churches and chapels, and the obligations relating thereto, and to the care and repair of churches, chapels, and churchyards referred to in the foregoing Canons shall, so far as the law may from time to time require, be provided and performed in the case of parochial churches and chapels by and at the charge of the parochial church council.

The Canons are supplemented by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 with provisions inter alia for the Diocesan Advisory Committee, powers to de-consecrate or if necessary demolish churches and delegation of Episcopal powers to Archdeacons.

In addition, other planning controls of various sorts may apply for example planning controls in conservation areas, local authority planning permission for works that will change the appearance or use of a building under the Town and Country Planning Acts, listed building or listed monument consent and planning permission for noticeboards under the Town and Country Planning (Control of Advertisement) Regulations 2007. English heritage has some good advice at:

[www.english-heritage.org.uk/.../consentandplanningpermission](http://www.english-heritage.org.uk/.../consentandplanningpermission) and there is also:  
[www.planningportal.gov.uk/](http://www.planningportal.gov.uk/)

**And the original query about the ringing of Church Bells:** Canon B11.2 says that public notice can be given for morning and evening prayer 'by tolling the bell or other appropriate means'. Canon F8 says that at least one bell should be provided in every church and chapel for the purpose and that no bell should be rung 'contrary to the direction of the minister'. There is also reference to tolling bells in the Prayer Book (which has statutory authority), in the last paragraph of 'Concerning the Service of the Church', which begins the book. It is unclear whether not ringing the bells would be an ecclesiastical offence but it is probably not as the reality is not all places of worship have them these days and laws around noise nuisance can also inhibit ringing.

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## Lectures and Conferences:

**The 10<sup>th</sup> Lyndwood Lecture** will be given on **11<sup>th</sup> December 2014** by The Rt Hon Dominic Grieve QC MP (until recently the Attorney General), on *Religion, Law and the Common Good*.

**At:** St Matthew's Westminster, St Matthew's House, 20 Great Peter Street, Westminster London SW1P 2BU **Nearest stations:** St James's Park (District & Circle), Victoria (Victoria Line/Overground), Westminster (Jubilee Line)

**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/>** And watch this space for more news of an ELS and Temple celebratory Evensong in November 2015

## London Lectures 2015:

January – Stephen Borton on Marriage

March – Archbishop Kallistos Ware on Canon Law from an Orthodox perspective

June - Aiden Hargreaves-Smith on the Diocese in Europe

October - Charles Mynors on the faculty jurisdiction in the light of the new Care of Churches (Amendment) Measure **Dates and venue to be confirmed**

**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; Churchyards by Andrew Johnson, Registrar of Winchester and Salisbury, 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.

**CPD points** – We are delighted to be able to offer CPD points with many of our events, thanks to Francis Taylor Building.

**Please remember to renew your subscription for MEMBERSHIP YEAR TO 30TH JUNE 2015** £40 and £25 concessions... for more details see:

**<http://www.ecclawsoc.org.uk/membership.html>**