

Gospel & Law

After Trinity and After Synod....

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Editorial: Welcome to an ordinary time edition of Gospel and Law but marking an extraordinary Synod. Whatever your views on the consecration of women as Bishops this is an historic moment for the Church of England. Other significant history is next year's anniversary of the signing of Magna Carta, for which details of events are beginning to become available. There is a rundown of other Synodical news, answers to the last edition's exam problems, a tribute to Hilary Woodard and news of the London lectures and next year's ELS conference. Enjoy the sunshine and the summer... Catherine

Synodical Matters – 11th to 15th July 2014 - York

The most newsworthy item of business was of course the passing of legislation to enable the Church to appoint and consecrate women, as well as men, as Bishops. The figures for the first vote, the vote on the Measure, were:

House of Bishops: Yes 37 No 2 Abstentions 1
House of Clergy: Yes 162 No 25 Abstentions 4
House of Laity: Yes 152 No 45 Abstentions 5

The Synod also approved Amending Canon No.33 (again by a two thirds-majority) and the Act of Synod rescinding the Episcopal Ministry Act of Synod 1993 (but only from the point at which the Canon is enacted [which won't be before November). The legislation is part of a package, which also includes a Declaration made by the House of Bishops (which amongst other things sets out five 'guiding principles') and Regulations, to be made once the Canon is enacted, providing for a mandatory disputes resolution procedure. In other business the Synod:

- Gave first consideration to draft legislation (a Measure and an Amending Canon) giving effect to the package of proposals it approved last February in relation to safeguarding and related disciplinary matters.
- Completed the revision stages for the C of E (Ecclesiastical Property) Measure and the Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure, with only one amendment being made to the former and none to the latter.
- Completed all the remaining stages for the C of E (Pensions) (Amendment) Measure, which extends for a further period of years the Commissioners' power to use capital to defray pensions liabilities and
- Completed all the remaining stages for the Amending Canon and three Resolutions which will make (modest) changes to the rules in relation to Synodical elections and related matters.
- Gave first Consideration to Amending Canon No.35, which will pave the way for changes (to be made by regulations) in relation to those who can administer Holy Communion.

The Synod also approved various pieces of subordinate legislation – but declined to approve a Resolution, which had been substantially amended in February, making changes to the Church Representation Rules, especially the provisions relating to PCCs. The **additional texts for baptism** were also forwarded to the revision committee for the next stage of consideration and Chris Hobbs' Private Members' motion, seeking to make optional rather than mandatory the Canons about **clergy vesture**, will now be considered by the Business Committee.

Of more general interest debates about the Common Good and Magna Carta called for local and national involvement in community projects to relieve poverty, in the 2015 elections and in celebrations to make the 800th anniversary of Magna Carta. Reports were also given on progress being made towards a Mutual Credit Union and disinvestment from Wonga.

CHARM Retired Clergy Rental Scheme - The main changes to the rental scheme are: that clergy will be able to start looking for a retirement property much earlier; they will be able to choose their future home from a large pool of high quality properties in the certain knowledge of what the costs of each property will be, and they will pay a subsidised rent based on the value of the property they choose. None of these changes will take place before 1 April 2015.

Watch this space for further news, as it develops, on the surprise story during Synod about assisted dying... If it wasn't so serious it might be tempting to comment that it's good to have a controversy about something other than sex and gender for a change!

And now for some entertaining responses from David Pickup to the Problems set in the last edition of the newsletter;

Nuisance, Insurance and Displaced Charnel...

1) **Problem Summary:** What responsibility has a parish if they accommodate a gentleman of the road in an old hut at the back of the churchyard, backing onto the local golf club and can they evict him, particularly for appearing naked on the golf course in the early morning?

Answer: *Care should be taken to ensure the individual is really a gentleman of the road. He may be an eccentric millionaire or a shabby, senior member of the clergy. There have been a number of embarrassing incidents of this nature.*

2) **Problem Summary:** The gentleman burns down the hut damaging the golf club hedge, cars parked behind the hedge and destroys part of the churchyard wall, causing a landslip that threatens the safety of several graves. Who is liable for the damage; has the homeless gentleman committed any criminal offence and what should be done about repairs?

Answer: *The preacher should shamelessly use the incident in his or her sermon to illustrate the mysterious ways of God, Man, Golfers, The Fire Brigade*

3) **Problem Summary:** In the course of clearing the hut and repairing the wall bones (human skull, femurs and assorted smaller bones) are discovered. What should be done with them and what legal issues are raised by their discovery?

Answer: *If the bones were near to a car park they may be the relics of Richard II, Richard III,*

Any other member of the Royal Family

4) **Problem Summary:** The bones are taken to the local university for assessment and dating. At some point they go missing. Who is responsible for the bones and liable for their loss? What are the legal issues arising from the loss of the bones?

Answer: *Try to shamelessly cash in by getting a TV programme involved such as Time Team, Cash in your Attic or Bones in the Belfry.*

Altar frontals and vestments:

Problem Summary: A parish of an historically low and now evangelical church acquires a green altar frontal embroidered by a member of the congregation. The vicar welcomes the frontal and asks for some more. The vicar has also been given a white chasuble and has now investigated the prices of chasubles for other seasons, suggesting that her husband buy her a set for the anniversary of her ordination. What can those opposed do to object?

Answer: *The recent landslip has probably made the church a lot lower than normal. The vicar's suggested gift should be taken seriously as spouses are notoriously difficult to buy presents for.*

Clergy Discipline:

Problem Summary: At a recent Church Fete the vicar and curate dress up in diving costume, complete with flippers and goggles. The costumes go down well with most attending the Fete. However, one parishioner feels that the behaviour is unbecoming for clergy. In addition, during the course of the Fete the vicar trips over a flipper and tumbles into a visitor, spraying him with bubbles from a water pistol. Complaints are made by the parishioner and the visitor under the Clergy Discipline Measure and the visitor claims damages for assault.

As the Bishop how would you deal with both the complaints and the claim for damages?

Answer: *Possession of the water pistol is probably an offence under the Firearms legislation. The vicar should shamelessly use the anecdote in his next position - when and if he secures one.*

Retirement: Michael Goodman writes:

HILARY WOODARD'S CONTRIBUTION TO "THE ECCLESIASTICAL COLLECTION" AT MIDDLE TEMPLE

In a recent article in "The Middle Templar" (issue 53, page 101), Master Roy Martin sets out the history of *The Ecclesiastical Collection*, which is to be found in Bay 141 in the Gallery of the Library. It contains not only a wide selection of text-books and other sources of Church Law but also bound annual volumes containing judgments given in contested cases heard by Diocesan Chancellors in their Consistory Courts and on appeal therefrom. The binding is appropriately coloured purple!

A great deal of work has been involved producing these annual volumes of law reports and much help was given by members of the Ecclesiastical Law Society, such as producing indexes. It donated to Middle Temple the original unbound judgments (dating from 1891) which it had in its possession. It also agreed to finance the binding of the new volumes.

However, the Librarian responsible for co-ordination, editing and production, plays a very important part and, during her years producing the bound volumes, Hilary Woodard worked with enthusiasm, patience and humour. She began work on *The Ecclesiastical Collection* as long ago as AD 2000 since when I have enjoyed working alongside her. She says that she has had great pleasure editing judgments for publication and producing summaries for rapid reference. "I knew nothing about ecclesiastical law at the beginning but feel I have gained a wealth of knowledge over the years and have found it fascinating". She has in fact become a member of the ELS, commenting that it has been a great pleasure to work with the Society.

Now Hilary retires after 41 years working in libraries and we wish her every happiness

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

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/>

London Lectures - The final London Lecture for 2014 will be on Wednesday 29th October 2014 by Professor Mark Hill QC on *Judicial Deference and the Non-Justiciability of Religious Disputes*, 5pm at Winckworth Sherwood, Minerva House, 5 Montague Close, Southwark

Topics to be explored for the 2015 Lecture series include Aiden Hargreaves-Smith on the Diocese in Europe; Stephen Borton on Marriage; Charles Mynors on the faculty jurisdiction in the light of the new Care of Churches (Amendment) Measure; and a talk on Canon Law from an Orthodox perspective (speaker to be confirmed).

The Biennial Residential Conference will be held from 17th to 19th 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 cover related topics of considerable legal, theological and practical importance with perspectives, amongst others, from a Bishop, a Professor of Sociology of Religion, a Chancellor and a Diocesan Registrar. This will be the final conference presided over by Bishop Christopher as our Chairman. Look out for full details with the September issue of the Journal and make sure the dates are in your diary."

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