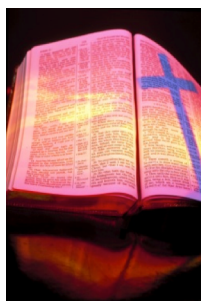


Gospel & Law

Michaelmas Edition

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Editorial: Welcome to more news of Ecclesiastical Law – some case-notes, a plea for help with employment law, news of Registrars and a reflection on beer. Plus, as always, further details of various events and winners of the Eric Kemp prizes, along with an additional reflection from some of the students studying Ecclesiastical Law.

Some brief case-notes:

***Re St Michael and All Angels Uffington* [2014] Lincoln Cons Ct, Mark Bishop Ch.**

Holy Altars: Canon F2.2 – altars are not to be used for refreshments and occasionally as an altar!

***Re St Michael and All Angels Edenham* [2014] Lincoln Cons Ct, Mark Bishop Ch.** But Canon F1, the location of fonts, is more flexible, especially when moving the font to make baptism accessible.

***Re All Saints Winterton* [2014] [Lincoln Cons Ct](#), Bishop Ch** And an Edwardian font could ‘co-exist peacefully’ with an earlier medieval font

***Re St John the Baptist Burford* [2014] [Oxford Cons Ct](#), McGregor Ch** When re-shaping the Church yard make sure the wall is within the Consistory Court’s jurisdiction; if your wall falls outside the church yard it is not consecrated – which can be helpful if people are objecting!

***Re St Thomas of Canterbury Mumby* [2014] [Lincoln Cons Ct](#), Bishop Ch** Thirteenth century inner doorway defeats glazed doors to keep out the draughts and leaves.

Christian Burial really does mean permanent:

***Re St Helen Edlington* [2014] Lincoln Cons Ct, Mark Bishop Ch.** Challenges in reaching the grave, due to osteoarthritis, were insufficient as medical grounds to justify exhumation and reinterment.

***Re Ronald Carr deceased* [2014] Lincoln Const Ct, Mark Bishop Ch.** A ‘slipped disk condition’, muddy field and rabbits in the churchyard also do not justify exhumation and reinterment, particularly not when the families of two earlier marriages had not been consulted.

***Re Marjorie Kennedy deceased* [2014] [Manchester Cons Ct](#), Geoffrey Tattershall Ch.** Nor does a six mile drive around the M60.

***Re Putney Vale Cemetery* [2014] [Southwark Cons Ct](#), Philip Petchey Ch.** But exhumation and reinterment in unconsecrated plots was approved in a case where the Petitioner’s Chinese Buddhist forebears had been mistakenly buried in consecrated ground at a local authority cemetery

Manifesting religious belief: *Hodson v Secretary of State for Work and Pensions* [2014] UT CJS/3466/2013 (unreported) Attending midweek BCP Communion at the Cathedral is not a good enough reason to miss a benefits interview! The BCP Communion was not an, ‘established custom

or practice...' such as to prevent attendance at the interview, particularly as the BCP itself envisages that people may only attend three times per year!

Evensong? On a recent visit to Northumberland & pilgrimage to Holy Island my holiday companion and I decided to sample some of the local beers, there being a significant range from Durham, Lindisfarne, Allendale and Borders Breweries. We made a varied selection and on the Sunday evening agreed that splitting a bottle of Durham Brewery's Evensong (5%, Ruby Ale) would be a pleasant way to start the evening. Imagine our surprise when on removing the bottle top, instead of a reassuring, smooth and melodious beer we got a positive fountain that sprayed over 50% of its contents across the kitchen. Evensong it was not! Had the Spicy Devil (Hadrian and Borders Brewery, 6.6 %) behaved in that way we might have been less surprised. Currently contemplating a letter to Durham Brewery suggesting that their Evensong might be misnamed to the degree of offending against the Trades Description Act!

Registry Appointments and Retirements (with thanks to Law and Religion UK)

Caroline Mockford retired as Registrar of the Diocese of Lincoln on 31 July and will take up her new appointment as Registrar of the Diocese of York on 1 September. The new Registrar of Lincoln Diocese will be Julie Robinson. The Rev Raymond Hemingray will retire as Registrar of the Diocese of Peterborough on 30 September and will be succeeded by Anna Spriggs. However, Ray will continue to summarize, circulate and post recent consistory court judgements on behalf of the [Ecclesiastical Law Association](#). We are indebted to Ray for this valuable updating service, and wish him well in his retirement.

A plea for help... from Frank Cranmer, Secretary of the Churches' Legislation Advisory Service:

“One of my duties is to keep my members up to date with legal and policy developments which might affect them. Some considerable time ago I was asked by one of the member Churches if I could produce a note on the case-law relating to clergy employment.... The current version of the paper addresses the legislation and recent case law relating to ministers of religion in the Church of England, the Church of Scotland and other religious organisations, the position of lay employees, volunteers and interns, entitlement to the National Minimum Wage, the current exceptions relating to employment by religious organisations and vicarious liability.” The latest version, after much recent development and revision, is now posted on the Churches Legislation Advisory Service website. Frank would be very grateful for comments/ corrections/criticisms from employment law specialists.

The Eric Kemp Prizes - named in honour of the Society's first President and awarded to the student with the best mark in the subject, at Law Schools which teach LLB options including 'a significant element of Ecclesiastical Law'. In the academic year 2013 – 2014 the Prize Winners were:

Bangor: Christina Sawyer
Cardiff: Chloe Halloran
Oxford Brookes: Craig Allen

In practice these courses tend to attract many students because of their human rights content. A fuller article with reflections from students studying these courses is made available as a separate document with this month's newsletter.

Lectures and Conferences:

The 10th Lyndwood Lecture will be given on **11th 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/>

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."

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>