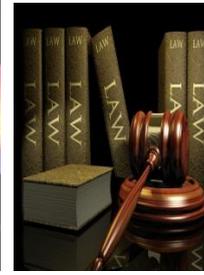


Gospel & Law

All Souls and Saints Edition

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Editorial: Welcome to more Ecclesiastical Law, with cases and calls for adequate legal training, a salutary tale of scattering ashes and a range of delightful forthcoming events. As usual comments, feedback and further ideas are welcome.

Surely it is time for some mandatory, basic minimum legal training for clergy and regular legal updates. Clergy and wardens are in most cases charged with the care of buildings and contents worth several £100,000s. Clergy are responsible for the cure of souls of many 1,000s in theory and in practice provide pastoral care for many 100s if not 1,000s over the course of their ministry. They deal with people at some of the most vulnerable points in their lives and make decisions about some of the most significant and personal events of peoples' lives.

The cases of *Re Emmanuel Church, Leckhampton [2014] Gloucester Cons Ct* and *Re St Giles Uley [2014] Gloucester Cons Ct* are classic examples of clergy who didn't know what they were doing. In the words of Chancellor June Rodgers, in the Leckhampton case, "Monumental stupidity is involved, some degree of arrogance, and, even possibly [I make no finding as to the latter], a degree of evasiveness." The priest in charge and her church-wardens – in a parish that had changed its tradition from Anglo-Catholic to evangelical – had decided that a painting of *Mary Queen of Heaven* by Franz Ittenbach 'had to go.' The vicar claimed that no-one had told her she needed a faculty to sell Church property. She and the Church Wardens were lucky that, in the words of the Chancellor, their 'really, really stupid' behaviour didn't cost the church.

In St Giles Uley the issue was failure to give proper notice of proposals to re-order the Church internally, even when this was pointed out to them and an extension of time given. This cost the church further hearings and the setting aside of a petition, costs which the Chancellor held that clergy and wardens should bear.

A lack of awareness of the law that governs the church has the potential to bring the whole church into disrepute and often creates significant headaches for others left to resolve difficulties caused, not to mention that expense that can be generated. These Gloucester cases are rare instances of such behavior being found out and some disapproval being expressed. If the Church is to continue to serve our communities there needs to be a recognition that we are stewards of our buildings and ministry for others. That stewardship places on us duties of trusteeship and basic professional standards which require training in and observance of the law, both of the land and of the church.

There can often be a perception that law and pastoral ministry, law and mission, law and the life of the spirit are divorced from or even opposed to each other. Yet far from being un-pastoral or unspiritual observing the law and discerning what it requires enables proper care. Pastoral dilemmas are only compounded by ignoring the law and having to correct things later. One of the Ecclesiastical Law Society's roles is precisely that of education. These decisions and the Chancellor's comments justify the Society's continued ministry in emphasizing the need for adequate legal training not just for the lawyers but also for the clergy and wardens involved in making decisions in parishes across the country

Dealing with Human Remains –

There are some interesting diverging trends around. On the one hand there seem to be increasing numbers of ‘portable remains’ cases coming before the courts where surviving relatives are moving or too infirm to visit the grave. On the other hand scattering ashes, contrary to the theology of permanent Christian burial, also seems to be more popular. A recent story from the Provinces demonstrates one of the problems of scattering as a method of disposing of human remains. One fairly late night, the vicar heard voices in the graveyard just across the wall from the vicarage. On going out to investigate she discovered a group of people pouring ashes from plastic urn around the base of a tree at the edge of the graveyard. When she asked what they were doing she was told that they were scattering mum’s ashes, where they had previously scattered dad and the vicar had given them permission. Groan.... What can you say?! The worst of it was that, even having explained that she was the vicar and knew nothing of any permission for scattering, the family didn’t believe her! They were not scooping up the ashes for anyone; they departed in a bit of a huff, leaving the vicar with grey piles of human ash under the tree at the entrance to the churchyard. Leafblowers were not sufficiently powerful to disperse ashes so she and her husband had to spend time, late at night, burying the ashes beneath where they had been scattered.

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>