

Gospel & Law

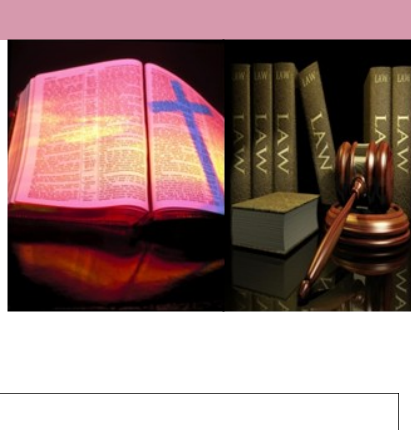
Lent Edition

Editor: Revd Dr Catherine Shelley

revdrcath@gmail.com

Circulation & events: Andrew Male

male.andrew@sky.com



Editorial

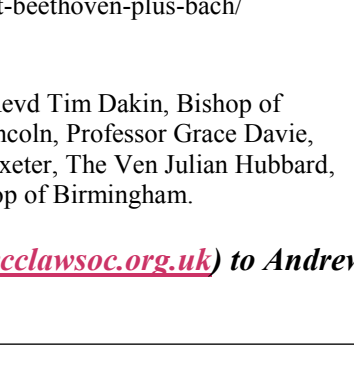
Welcome to the Lenten edition of Gospel and Law which I hope will be appropriately penitential though not so penitential as to open further the wounds over Women Bishops, a topic safely left until more concrete news of the next step is available. As my training Incumbent, whilst I was on placement at Girton Parish Church, used to say 'Have a miserable Lent'!

Shaping the future of Parochial Ministry Ecclesiastical Law Society Residential Conference

Friday 19th to Sunday 21st April 2013 - The Burlington Hotel, Birmingham – Places are still available on a residential (£320), non-residential (£165) or Saturday (£120) basis. Some clergy bursaries are available.

Birmingham may not be as picturesque as Cambridge but it isn't as far north as Leeds. Besides a very interesting conference programme, the chance to worship, eat and enjoy the hotel bar together, Birmingham has a number of interesting places to visit, both for you and any spouses who wish to attend the conference.

- a) *Birmingham Museum and Art Gallery* – with an outstanding Pre-Raphaelite collection and also the associated museums of Soho House, the Museum of the Jewellery Quarter (and connected Jewellery Quarter sights), Sarehole Mill – see <http://www.bmag.org.uk/>
- b) *Barber Institute* – collection of fine art <http://barber.org.uk/>
- c) *Botanical Gardens* - <http://www.birminghambotanicalgardens.org.uk/>
- d) *National Trust back to back houses* – <http://www.nationaltrust.org.uk/birmingham-back-to-backs/>
- e) *The Symphony Hall* where there is a Bach and Beethoven recital on the Sunday afternoon - <http://www.thsh.co.uk/event/angela-hewitt-beethoven-plus-bach/>



For the Conference programme speakers include: The Rt Revd Tim Dakin, Bishop of Winchester, The Rt Revd Christopher Lowson, Bishop of Lincoln, Professor Grace Davie, Sociologist of Religion, Martin Follett, Diocesan Registrar Exeter, The Ven Julian Hubbard, Director of Ministry and The Rt Revd David Urquhart, Bishop of Birmingham.

Please return booking forms (available on www.ecclawsoc.org.uk) to Andrew Male if you want to attend

Any Answers? If you have a view about any of the following, let us know...

Churchwardens' responsibilities for Church records: As parishes merge does the statement in s.4 (5) *Care of Churches and Ecclesiastical Jurisdiction Measure 1991* that "These provisions apply in relation to each church in a parish containing more than one church" mean every church in a parish must have and maintain its own terrier, inventory and log book (albeit in combined form using a church property register as sold by Church House) or, in instances where a parish has more than one church, has it been interpreted as permitting the use of one terrier, inventory and log book (or one Church Property Register) for all the churches in the parish, with sub-divisions or sections for each separate church?

Funerals – Not everyone wants a priest at their funeral and some want self-publicising but unlicensed ministers like Jonathan Blake (of Jade Goody fame!) but should there be safeguards for the public about who can 'do' a funeral?

Licensed lay workers and authorised lay ministers... New schemes of authorised, as opposed to licensed, lay ministry mean that terminology and people reading as opposed to be licensed as Readers, are causing all sorts of confusion over terminology and authority... is it time for an overhaul of Canon law to sort this out?

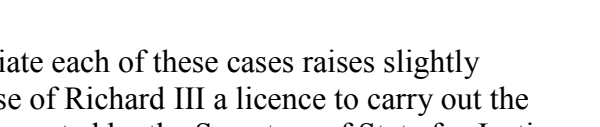
'the vesture of ordained ministers....' Given that many ministers ignore Canon B8 about the wearing of alb or surplice with stole or scarf for services should the Canon be enforced more rigorously or dispensed with?

Of teaching the young... How many Sunday schools these days teach, as laid down in Canon B26, 'the doctrine, sacraments and discipline of Christ... as set forth in the... *Book of Common Prayer* [or] *the Church Catechism*?' What should the modern day equivalent be?

Self supporting Ministers: In these days of increasing reliance on self-supporting ministers what occupations might be considered incompatible with the exercise of ordained ministry were the Bishop to enquire under Canon C28?

Bones, Bones and More Bones

In 2003 a faculty was refused by the Chichester Consistory Court to exhume the putative remains of the Saxon King Harold Godwinson (see *In re Holy Trinity, Bosham* [2004] Fam 125). More recently bones were found in an ancient churchyard in Bicester that were at first thought to belong to St Ethelburga, the daughter of a local Saxon king; unfortunately radio carbon dating has found the relic (for such it appears to have been) to have been a mediaeval forgery. There is apparently also a hope that the bones of Alfred the Great may be found in the churchyard of St Bartholomew, Winchester. In the meantime archaeologists have discovered the remains of Richard III under a car park in Leicester within the ruins of the Grey Friars' church.



As any lawyer will appreciate each of these cases raises slightly different considerations. In the case of Richard III a licence to carry out the archaeological investigations was granted by the Secretary of State for Justice under the provisions of section 25 of the Burial Act 1857. Such a licence, however, could not have overborne the initial words of that section, namely, "Except in cases where a body is removed from one consecrated place of burial to another by faculty granted by the ordinary for that purpose" There can be no doubt that the church had been consecrated at the time of Richard's burial and therefore first question clearly is: was the church still consecrated? If it was, a faculty may have been necessary for exhumation and none was ever issued. Although the basic rule is that by consecration a building is "separated for ever from the common uses of mankind", ecclesiastical law recognises that in some (not necessarily straight forward) cases a building may require re-consecration or reconciliation: see Phillimore *Ecclesiastical Law* (2nd ed.) at 1399-1401. Putting aside the effects of the dissolution of the monasteries and bearing in mind the ruinous state of the church and its burial beneath the car park, it seems sensible to deduce that the ruins no longer remain consecrated and that the Secretary of State had legal authority to permit exhumation.

The licence granted by the Secretary of State authorises the University of Leicester to "be deposited [the remains] at Jewry Wall Museum or else be reinterred at St Martin's Cathedral or in a burial ground in which interments may legally take place". The term "burial ground" is nowhere conclusively defined in ecclesiastical or civil law but, although it may be debated whether York Minster may be regarded as such a burial ground, it seems certain that under the terms of the licence Richard III will be reburied within St Martin's Cathedral. Leicester.

LENTEN LAWS... just to remind you of your Lenten obligations...

Canon B 6 Of Sundays and other days of special observance - 3. The Days of Fasting or Abstinence and the Vigils which are to be observed in the Church of England are set out in *The Book of Common Prayer*, whereof the 40 days of Lent, particularly Ash Wednesday and the Monday to Saturday before Easter, ought specially to be observed. 4. Good Friday is ever to be observed by prayer with meditation on the death and Passion of our Lord and Saviour Jesus Christ, by self-discipline, and by attendance at divine service.

Canon B 7 Of the giving notice of Feast Days and Fast Days - The minister having the cure of souls shall give adequate public notice, in any way which is locally convenient, of the Feast Days and Fast Days to be observed.... **The Catholics have it tougher and in more detail, the 1983 Code of Canon Law specifies that:**

Canon 1250: All Fridays through the year & the time of Lent are penitential days & times throughout the...Church.

Canon 1251: Abstinence from eating meat* or another food according to...the conference of bishops is to be observed on Fridays throughout the year...; abstinence and fast are to be observed on Ash Wednesday and on the Friday of the Passion and Death of Our Lord Jesus Christ.

Canon 1252: All persons who have completed their 14th year are bound by the law of abstinence; all adults are bound by the law of fast up to the beginning of their sixtieth year. Nevertheless, pastors and parents are to see to it that minors who are not bound by the law of fast and abstinence are educated in an authentic sense of penance. *Meat is... the flesh and organs of mammals and fowl. Moral theologians have traditionally considered this also to forbid soups or gravies made from them. Salt and freshwater... fish, amphibians, reptiles and shellfish are permitted, as are animal-derived products such as gelatin, butter, cheese and eggs, which do not have any meat taste.

The Methodist Church seems to have no formal law about Lenten observance though they do comment that in some parts of the tradition fasting is coming back in....

London Lectures 2013 will be on Wednesdays, 13th March, 12th June and 16th October 2013 – all at Winckworth Sherwood, Minerva House, Montague Street, starting at 5.30pm: speakers and topics are as follows:

13th March 2013 – Rupert Bursell QC, Chancellor Oxford Diocese – Theology and the faculty jurisdiction

12th June 2013 – Dr Peter Smith – Churchwardens: a case of mistaken identity?

16th October 2013 – The Revd Canon John Rees, Provincial Registrar - Anglican Covenant or what?

