

Gospel & Law

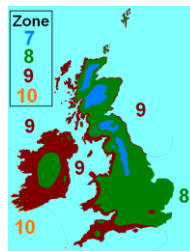
Pre Synod Edition – July 2013

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I was going to call this the Summer Edition of the Newsletter but the weather really hasn't justified it so a pre-Synod edition seems more appropriate. As you would expect there is some detail of the agenda for July's Synod, with news of the next steps in the Women Bishops debate, the reorganising of Bradford, Ripon and Leeds and responses to the Chichester Safeguarding Enquiry. As it makes apparently swift progress through the Lords the Gay Marriage Bill could not go without some reporting. The only date of future events that I've got in the diary is the last of the London lectures but please do let me know of other events of interest to ELS members.

Synodical Matters – highlights for General Synod – 5th to 9th July 2013 at York

Friday 5th July - Report by the Business Committee & appointments of Clerk to Synod, Chairs of Appointments and Finance Committees, Pensions Board and auditors to the Archbishops Council.

Saturday 6th July - Progress on meeting challenges for the Quinquennium – ie being the national church for the common good, evangelism and church growth and re-imagining ministry.

Sunday 7th July - [GS 1887](#) - Faculty Jurisdiction Rules 2013 setting out clear duty of active case management in the interests of fairness and equality of parties, efficiency, proportionality and costs. The rules consolidate and fill gaps in the existing rules dating from 1992 and 2000 and provide for use of technology.

[GS 1896](#) - Safeguarding: Follow-up to the Chichester Commissaries' Reports – suggests possible areas of legislative change, involving (a) Removal of the 12 month limitation period for the bringing of complaints under the CDM in sexual abuse cases (b) Extending the bishop's power of suspension under the CDM (c) Amending the law in relation to risk assessments (d) Preventing prohibited clergy from robing and (e) Extending the circumstances in which churchwardens and PCC members can be suspended and/or disqualified from office.

[GS 1897](#) - Welfare Reform and the Church reviews the benefit changes and Big Society and finds the latter wanting, particularly in the light of higher demands on charity generated by what are effectively benefit cuts and the recession. Support for properly supported voluntarism, alongside workable welfare provision, is re-affirmed.

Monday 8th July - [GS 1886](#) - Women in the Episcopate – Synod will be asked to consider the way forward for new draft legislation to enable the consecration of women as Bishops. The possible future timeline is as follows:

☐ **November 2013: First Consideration**

☐ **January – April 2014: Revision Committee considers draft legislation**

☐ **July 2014: Revision Stage in full Synod**

☐ **August – end of November 2014: Article 8 reference to the dioceses**

☐ **February 2015: Report back from the dioceses and Final Drafting Stage**

☐ **May 2015: Article 7 reference to the House of Bishops**

☐ **July 2015: Article 7 reference to the Convocations and House of Laity**

Either July/ November 2015: Final Approval (followed by Parliamentary consideration and Royal Assent).

[GS 1898](#) Draft Schemes for Approval re amalgamation of Bradford, Ripon and Leeds and Wakefield Dioceses

The Archbishops' Council's Draft Budget and Proposals for apportionment for 2014 and Annual Report

Tuesday 9th July - [GS 1901](#) - The work of the Elections Review Group: First Report by the Business Committee

[GS 1902](#), [GS 1903](#), [GS 1904](#), [GS 1905](#) – draft amending canons and resolutions re electoral review and reform

[GS 1906](#) - The work of the Elections Review Group: Second Report by the Business Committee (dealing with the electorate of the House of Laity and electronic voting.)

Other Legislative Business – Amendments to Clergy Discipline Rules, Appeal Rules and Code of Practice Scheme Amending the Diocese in Europe Constitution 1995

Other papers - Choosing Bishops - The Equality Act 2010 (Revised); Simplification Group Report; Making New Disciples

Gay Marriage – HL Second Reading and Committee Stage with thanks to *Law and Religion UK* for their updates...

Baroness Stowell of Beeston set out the government position that the Bill allows same-sex couples to marry and also protects and promotes religious freedom. She referred to the “quadruple lock”, which “ensures that... no religious organization or individual minister can be compelled to marry same-sex couples or to permit such a marriage to take place on their premises;...provides an opt-in system for religious organizations which wish to conduct marriages for same-sex couples;...amends the Equality Act 2010 so that it is not unlawful discrimination for a religious organization or individual minister to refuse to marry a same-sex couple;...ensures that the duty on the clergy of the Church of England and the Church in Wales to marry parishioners will not extend to same-sex couples, and that Anglican canon law, which says that marriage is a union for life of one man with one woman, is unaffected.” She also reassured the House that “[the] Bill does not in any way affect the perfectly legitimate expression of the... belief that marriage should only be between a man and a woman. Teachers will be expected to teach the factual and legal position when teaching about marriage, as with any area of the curriculum, but they will not be expected to promote or endorse views that go against their own beliefs. It will be unlawful to dismiss a teacher purely for doing so.” The Bill also adds ‘fine-tuning’ to ‘protect the position of chaplains employed by secular organizations.’ Baroness Kennedy of The Shaws and Lord Pannick argued that “the protections provided by the Bill to churches, religious organisations and church ministers are strong...” relying on an Article 9 case brought by the Muslim community against the Bulgarian Government,...establishing that ‘the autonomous exercise of religious freedoms... by religious communities, is indispensable for pluralism in a democratic society.’

Concerns remain however. Lord Montrose pointed out that neither the Bill nor statute in England or Scotland defines marriage which has relied on common law and the churches’ criteria and practice, supported by ‘an historical consensus about its meaning.’ This Bill ‘proposes doing away with the historical consensus, introducing a new meaning, requiring that ‘a new concept of marriage should state clearly what its definitions and requirements are for any and all of the parties...’ Both the Archbishops of Canterbury and York focussed on the fact that the ‘gay marriage Bill’ effectively changes marriage by removing the heterosexual requirement. However, other changes in definition are also being overlooked because of the focus on the same-sex issue.

The definition of marriage in Canon B30 and consequently English Law is a lifelong commitment to sexual fidelity, for companionship, continence and procreation, whether marrying according to a religious or a civil wedding. In a civil partnership these commitments are not required by the legislation and dissolution cannot be sought for adultery or non-consummation, which is how the official Anglican line on prospective civilly-partnered Bishops can be accommodated. It is unclear whether a same-sex marriage will involve the same commitment and marital vows as set out in Canon B30. If it does at least the nature of the commitment made will be equivalent to the marital commitment of a heterosexual couple. However, if the commitment in a same-sex marriage reflects that in civil partnerships there will other significant changes to marriage which will create a very different institution and type of commitment for straight and gay relationships. Even if vows made by gay couples in a same-sex marriage do reflect those made in heterosexual marriage there still remains an anomaly as Clause 9 of the Bill allows civil partnerships, with their statutorily different type of commitment, to convert to same-sex marriages.

For both sides of the debate, whether the major concern is the Archbishops’ and others’ warnings about the re-defining of marriage or the government’s supposed aspiration towards equality, the full implications of Lord Montrose’s observations need to be considered before the Bill reaches the Statute book. *Catherine Shelley*

I have just returned from a South African Autumn/Winter with bright sunshine and temperatures of up to 21C to a Britain that feels cold, wet and grey. If I hadn’t just got a new job as Chaplain to Birmingham University I’d be looking in the vacancies pages of sunnier parts of the Communion. A pastoral letter from Bishop Margaret of False Bay, Cape Province, printed in the weekly bulletin of St Mary’s on the Braak, Stellenbosch also sounded attractively forthright as a way of doing business. It read, ‘My Dear brothers and sisters in Christ, I have received a few unsigned letters from disgruntled parishioners. Please let it be known that I take no notice of these as I cannot deal with faceless people. Please do convey the message that the process of lodging grievances is firstly to speak to the Rector and Executive...’ And concludes: ‘Remember our brothers and sisters dealing with pain and distress, My thanks, love and prayers to you all, Bishop Margaret B Vertue’.

The remaining London Lecture 2013:

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

As usual at Winckworth Sherwood, Minerva House, Montague Street, starting at 5.30pm; they are free but it helps if you can let us know that you are coming to assist planning. You can either email Andrew Male at:

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or contact Winckworth Sherwood direct on: 0207 593 5000 or by email on: info@wslaw.co.uk