

# Gospel and Law

## Pentecost & Trinity Edition

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**Editorial:** It seems to be stirring times for ecclesiastical lawyers with the first case for nearly a century being appealed to the Privy Council and opportunities to contribute to consultations on Reform and Renewal of the church's law-making. In this season post-Pentecost it is worth highlighting that law and the Holy Spirit are not opposed to each other as some would suggest but work in tandem; Jesus came to fulfil rather than abolish the law. Exciting news is also beginning to emerge about future conferences and events, particularly next year's annual conference and AGM. And as always, if there are things that you would like to see in Gospel and Law, let me know.

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***Historic News...*** Readers may be interested to know that for the first time since 1927 a case may be on its way from the Court of Arches to the Privy Council. The case concerned an application to remove a Victorian chancel screen from a medieval church at Penshurst, in Kent. A faculty was granted by the Rochester Consistory Court, whose decision was overturned by the Court of Arches earlier this year in response to an appeal by the Victorian Society. The Court of Arches then redetermined the matter, and itself granted a faculty. The Society is now seeking to get that decision overturned by the Judicial Committee of the Privy Council (effectively the Supreme Court under another name); and the Parish is cross-appealing the decision of the Court of Arches as to costs. There is no automatic right of appeal, so the parties are waiting on the Privy Council's decision as to whether there is sufficient merit in either appeal to allow a hearing.

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***Reform and Renewal...*** The Dean of the Arches has suggested that the Ecclesiastical Law Society is well placed to be involved in the various consultation processes in relation to Reform and Renewal. The Committee agreed at its meeting on 27<sup>th</sup> May that a working group should prepare a response to the second of the consultations below, namely that on a new Enabling Measure. However, this does not preclude members responding to both consultation processes in their own individual capacities – and the committee would encourage ELS members to do so.

Proposals and papers are now available for comment as part of the Church's consultation on the process of Reform and Renewal. Contributions are welcome from all members of the Church but are particularly sought from Bishops, Diocesan Secretaries, HR Advisers, Rural Deans, Archdeacons and senior staff, Diocesan Boards of Finance and Mission and Pastoral Committees, Diocesan Chairs of Houses of Clergy and Laity, Patrons and Patronage societies. It is requested that you identify in what capacity you are responding.

***The Simplification Task Group Consultation*** ends on 30<sup>th</sup> June 2015. It covers changes to the Mission and Pastoral Measure 2011, Church Buildings Canon B14A, Endowments and Glebe Measure 1976, Patronage (Benefices) Measure 1986 and various aspects of non-legislative guidance and practice. Responses should be sent to [Jacqui.philips@churchofengland.org](mailto:Jacqui.philips@churchofengland.org) and comments can be made on the Simplification blog page at <https://www.churchofengland.org/media-centre/simplification-report-2015.aspx>

Papers can be found at:

<https://www.churchofengland.org/media/2212167/consultation%20on%20simplification%20programme%20april%202015%20final.pdf>

***The Consultation on a new Enabling Measure*** can be found at the link below. The proposals on which views are being sought is to give the General Synod power, by Measure, to repeal or amend primary legislation by secondary legislation, with a view to making it easier and more simple to repeal or amend redundant, outdated or unnecessarily complex or burdensome statutory provision (something was mentioned in committee about obscure clergy rights that had something to do with farming!). A view has been expressed that this proposal in itself may be overly complex and does not go far enough – leading to the possible headline ‘Ecclesiastical Law Society says there is too much ecclesiastical law...’ However, there was something of a consensus that the facilitative and protective role of the law should be something of a focus. The deadline for the consultation is 31<sup>st</sup> July and the link is as follows:

<https://www.churchofengland.org/media/2212596/gs%20misc%201103%20-%20consultation%20paper%20on%20possible%20new%20power%20to%20amend%20legislation%20by%20order.pdf>

***Lawyers needed....*** All of which is a reminder that there is a surprising dearth of lawyers and archdeacons on General Synod, which can lead to difficulties when the Synod is exercising its role as a legislative body. Synod members are, perhaps understandably, reluctant to become involved in the minutiae of considering and improving new Measures and Regulations – and, almost as important, in repealing redundant law. Members of the Society should suffer from no such inhibitions, and should consider whether they might be willing to help by standing for election this Autumn – see <https://www.churchofengland.org/about-us/structure/general-synod/synod-elections-2015/what-is-the-synod-and-what-does-it-do/#generalsynod>

***Looking for a Good Home....*** Back editions of the Ecclesiastical Law Journal are available to members for a nominal sum plus the costs of transport/postage. Anyone who is interested in the offer should contact our new Chair, John Rees or Treasurer, Darren Oliver, at Winckworth Sherwood - [info@wslaw.co.uk](mailto:info@wslaw.co.uk)

***Subs Due on the 1<sup>st</sup> July....*** Subscriptions for the year 2015-2016 will become payable from 1<sup>st</sup> July. The rate is to remain at £40 or £25 concessions (for those who are not in receipt of salary, wage or stipend eg full-time students, the retired, members of religious orders). However, there is no need to do anything until the Treasurer’s letter arrives in July, requesting your subscription payment.

#### ***Dates and events:***

#### **London Lectures 2015 at Winckworth Sherwood, Montague Close, London SE1 9BB**

17<sup>th</sup> June - Aiden Hargreaves-Smith on the Diocese in Europe

14<sup>th</sup> October – Consideration of the House of Bishops’ Declaration on the Ministry of Bishops and Priests covering Episcopal Provision for all Integrities; the panel will include Rt Rev Christopher Lowson Bishop of Lincoln, Rev Paul Benfield and Rev Dr Catherine Shelley

The talk by Charles Mynors on the faculty jurisdiction (in the light of the new Faculty Jurisdiction Rules 2015) will be deferred to January 2016. Other topics being considered for 2016 include Religious Houses and organisations, 'religious courts' eg Beth Din and Shari'a Courts.

The Annual Conference for 2016 will be held on Saturday 12<sup>th</sup> March 2016 at the Bridewell Institute, Bride Lane, London, with worship at St Bride's Church, Fleet Street. The theme will be the law and Discrimination and the keynote speaker will be Baroness Hale of Richmond, Deputy President of the Supreme Court. More details in due course. [PS The Editor is very happy indeed!]

**A reminder about the Inter Inn Mooting Competition:**

The Societies' offer to sponsor the Inter Inn Student Mooting Competition for 2014 – 2015 with a prize of £500 has been welcomed. If this is a success it is hoped that the sponsorship may become established as a regular link for the Society with the Inns of Court and a valuable means of introducing future members of the Bar to the relevance and interest of Ecclesiastical Law. The Inner Temple, which was the winner last year, will be organising this year's competition and the three moots will take place in that Inn. The semi finals will both take place on Tuesday 23 June, using one problem, and the Final on Monday 13 July with another problem. The aim is that, as well as providing moot problems on topics concerned with Law and Religion, the Society will nominate judges. Other members will be welcome to attend. Further information may be obtained from David Harte at <[harte.david@gmail.com](mailto:harte.david@gmail.com)>

**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/>**

**The ELS Magna Carta Event will be on Monday 23<sup>rd</sup> November 2015.** It begins at 6pm with Choral Evensong, includes an address by the Master on Temple Church and Magna Carta and concludes with drinks and canapés. Tickets are £50 (£90 non-members) and bookings are now open. For those standing for General Synod the event is timed to coincide with the November session and it is hoped that Synod members will also attend. To whet your appetite the following may make interesting reading. <http://www.counselmagazine.co.uk/articles/fashionable-again>

**Magna Carta, Religion and the Rule of Law**

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