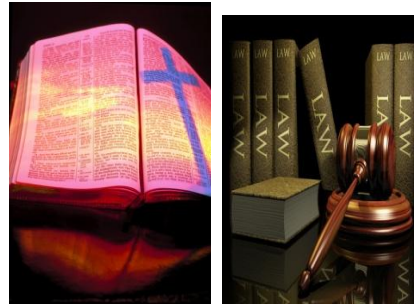


# Gospel & Law

Editor: Revd Dr Catherine Shelley  
Circulation & events: Andrew Male

[revdrcath@gmail.com](mailto:revdrcath@gmail.com)  
[admin@ecclawsoc.org.uk](mailto:admin@ecclawsoc.org.uk)



**Editorial** – Another full edition of the newsletter this month, with reports from General Synod, a call from the Chair to vote for the next General Synod, the outcome of the Inter Inn Mooting competition, calls for help from Cardiff Law School Pro Bono scheme and more dates and events for your diary. This will be the last edition until September and the other side of whatever is left of the summer; I hope readers will get a chance to enjoy some sunshine.

## **Ecclesiastical Law Society Working Group paper on Reform and Renewal...**

A small but beautiful working group has produced a response to the Enabling Measure being proposed as part of the Reform and Renewal process reported in last month's newsletter. The working group paper is entitled 'Reforming Church Legislation: A response by a Working Party of the Ecclesiastical Law Society to the Archbishops' Council's Consultation Document GS Misc 1103. It has been uploaded onto the website alongside on the following weblink; do take a look...

<http://www.ecclawsoc.org.uk/documents/ELS-Working-Party-Response-Revised-13-July-2015.pdf>

***A Message from the Chair*** - *There will be General Synod elections taking place in every diocese of the Church of England during the next few months. Those members of the ELS who are eligible to stand and/or vote may wish to consider whether they should stand as candidates, or at least engage with those who do stand in their dioceses, if they are qualified to vote. The General Synod is the Church of England's legislative assembly, but there has been a noticeable decline in the number of legally-qualified members in recent years, and it would be good if more members of our own Society were to bring their insights to bear on the Synod's work.* John Rees, ELS Chair

## **General Synod Meeting 10<sup>th</sup> to 13<sup>th</sup> July at York**

**Appointments:** Approval was given to the appointment of William Nye as the new Secretary General to the Archbishop's Council and the General Synod and to the appointment of Matthew Frost to fill a vacancy in the Archbishop's Council.

## **Legislative changes:**

**Administration of Holy Communion:** Regulations to relax the rules for giving authority to administer Holy Communion were finalized. In future it will be possible for decisions about authorization to be delegated by the Bishop (including to a parish priest) and for authority to be given not only to those who are confirmed but also to baptized children who have been admitted to Holy Communion under the 2006 Regulations.

**Simplification:** The first legislation under the simplification process was brought forward to make changes to the Terms of Service Regulations. These include dispensing with the need for a sick certificate for non-stipendiary clergy, allowing curates' training posts to be extended by a year to assist in finding their next post and making provision for a new type of fixed term appointment in the form of "interim posts" which may be helpful for example, where a short-term appointment is needed to turn around a declining parish or to deal with the consequences of a breakdown in parish relationships.

**Faculty Jurisdiction and Property:** The Synod approved a comprehensive set of Faculty Jurisdiction Rules, in terms reflecting the Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure 2015 to further simplify the Faculty system.

The Synod also approved an Order made under the Ecclesiastical Property Measure 2015 allowing PCCs to dispose of property without the consent of the diocesan authority in certain circumstances. The Measure already allows PCCs to grant leases for up to 7 years without consent of the diocesan authority (generally the DBF). The Order gives further freedom by allowing PCCs to dispose of property, without such consent, for a value up to 100% of a PCC's unrestricted income or a maximum of £250,000. Consent will still be needed for disposal of church buildings, churchyards and licensed places of worship and of land adjoining them. The title to any such property will however remain with the Diocesan Authority, and no PCC can take advantage of the power unless its accounts are up to date. Interestingly there is no reference to contributions to Common Fund or parish share being up to date.

**Safeguarding:** The Synod gave Final Approval to the Safeguarding and Clergy Discipline Measure, and the associated Amending Canon No.34, which between them give effect to a package intended to make the Church's disciplinary processes more effective when safeguarding issues arise and by strengthening the Church's wider legal framework in relation to safeguarding. The package makes mandatory the appointment of Diocesan Safeguarding Advisers and safeguarding training for clergy. It also includes provisions:

- Extending bishops' powers of suspension to cases where a local authority or the police provide information which leads the bishop to be satisfied that a cleric presents a significant risk of harm;
- Allowing a bishop to suspend a churchwarden or PCC member in similar circumstances;
- Disqualifying a churchwarden or PCC member from office if they are on a statutory barred list;
- Requiring office holders in the church to have 'due regard' to safeguarding advice issued by the House of Bishops;
- Removing the current one year limitation period that applies generally to complaints of clergy misconduct in relation to complaints of clergy sexual misconduct towards children and vulnerable adults and
- Empowering bishops to direct clergy and licensed readers and lay workers to undergo a risk assessment.

**A couple of other issues of concern:**

**Leadership and Minority Ethnic Anglicans:** A report from the Committee for Minority Ethnic Anglican Concerns (CMEAC) called for leadership at all levels of the Church to reflect the multicultural reality of our society.

**Climate change:** The debate on climate change resulted from the tabling of motions by five Dioceses. A motion was passed noting the duty to steward the earth, the disproportionate impact of climate change on the world's poorest, faith-based involvement in international fora to curb carbon emissions and redirect fossil fuel subsidies to renewable or lower carbon energy and to raise awareness of eco-theology within the church.

-----  
**A call for help...** The pro bono programme at Cardiff Law School needs you!

We are looking for lawyers (retired, taking a career break or otherwise with a bit of spare time) who are interested on a voluntary basis in using their skills to mentor students on a pro bono programme. The programme is supported by Cerebra, a unique charity supporting disabled children and their families. As part of the programme, students prepare legal opinions on commonly occurring problems disabled children and their families experience in accessing their statutory rights to health, education and social care support services. People with legal skills / experience are sought to work with the students: reading and critically analysing their draft opinions to ensure they are of suitable quality. It is not essential to have a detailed knowledge of health, education and social care law as the programme is supervised by Law School staff and an expert team from Cerebra. What we need is people with legal skills who understand the craft of drafting legal opinions / advice letters. If this is of possible interest – please contact either:

- Professor Luke Clements [ClementsLJ@cf.ac.uk](mailto:ClementsLJ@cf.ac.uk) ; or
- Professor Julie Price [PriceJA1@cardiff.ac.uk](mailto:PriceJA1@cardiff.ac.uk)

### **ELS sponsors the Inter-Inn Mooting Competition**

The 2015 Inter-Inn Mooting Competition concluded with the final on Monday 13 July held in the Parliament Chamber of Inner Temple. The event was sponsored by the Ecclesiastical Law Society which provided a £500 cash prize to the winning team to accompany the shield. David Harte was instrumental in organising the event in collaboration with Sharin Cockerton, President of the Inner Temple Mooting Committee, which was hosting the event.

David devised two moot problems on matters of ecclesiastical law, one of which was used for the semi-finals. In the final the team from Inner Temple represented the Appellants with Gray's Inn acting for the Respondents. The appeal arose from an imaginative probate action in the Chancery Division concerning ownership of a painting which an incumbent, since deceased, had placed in a church. The executors queried whether the painting formed part of the estate. In a judgment delivered by Sir Colin Rimer (with which the rest of the court agreed) the appeal was allowed.

As to the competition, William Horwood and Daisy Noble of Gray's Inn were declared the winners. The Inter-Inn Mooting Shield was presented by Sir Colin and the ELS cheques by Chancellor Mark Hill QC, Vice-Chairman of the Ecclesiastical Law Society. Many thanks are due to David Harte for overseeing this initiative on behalf of the Ecclesiastical Law Society and to all those who kindly judged both the semi-finals and the final.



Pictured are 2015 Inter-Inn Mooting Champions, William Horwood and Daisy Noble of Gray's Inn, the panel of judges comprising (left to right) Chancellor David Pittaway QC, Lord Justice Christopher Clarke, Chancellor David Turner QC and Sir Colin Rimer, together with Mark Hill QC, Vice-Chairman of the ELS.

**Still 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 became due on the 1<sup>st</sup> July....** 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). The Treasurer's letter will arrive shortly but don't just pay your own... encourage others to join!

**Dates and events:**

**Charity and Education Law Update 2015 – Tuesday 15<sup>th</sup> September 2015** from 10am to 4pm - by Lee Bolton Monier Williams at 1 The Sanctuary, Westminster.

*The Charity law presentation includes:* Charities (Protection and Social Investment) Bill 2015-2016 Law Commission report on technical issues in charity law, Safeguarding against extremism and Why use trading companies?

*The Education law briefing covers* The Education and Adoption Bill 2015 and the New Academies Financial Handbook - September 2015

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

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.

**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>

And for a bit more reading on Magna Carta members may be interested in the following:

*The Church and the Charter: Christianity and the forgotten roots of the Magna Carta*, by Thomas Andrew and published by Theos - downloadable as a free PDF:

<http://www.theosthinktank.co.uk/publications/2015/05/01/the-church-and-the-charter>