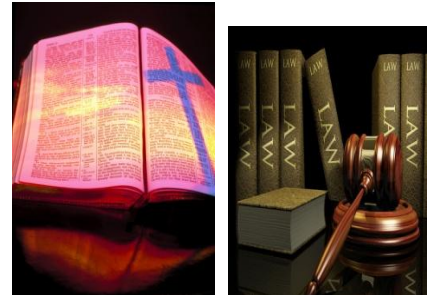


GOSPEL & LAW PENTECOST EDITION

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Editorial: There has been a slight delay in production so that Easter has passed us by and already Pentecost is upon us. In the wake of the Archbishop's call to prayer in the run-up to Pentecost there is a brief look at what Ecclesiastical Law says about prayer and worship. The report of the Annual Conference includes photos and news of the winner of the Eric Kemp Essay Prize and honours for Norman Doe.

There are also some opportunities to let us have your views about the work of the society, its vision for the next decade or so and access to its work via the internet. There are some questions asked below to which answers would be welcome but feel free to add other feedback if not covered by the questions. There is also news of new developments in the society's educational and training role. As usual there are some dates for diaries and also details of Charles Mynors' recently published book on the Faculty Jurisdiction Rules 2015 and the festschrift for Norman Doe.

News from the 2016 AGM and Conference:

An excellent day of speakers and speeches began with Lady Brenda Hale's overview of how English law upholds religious freedom and consideration of some of the most challenging decisions currently before the courts. This was particularly the case as regards Counter Terrorism legislation and the balance between freedom of speech and religion as against safeguarding duties to protect children and young people from extremism.



There followed a much-appreciated update of caselaw in the area of human rights and religion from Mark Hill QC, a Roman Catholic perspective from Barrister, David O' Mahoney and an international perspective considering those persecuted for their

beliefs from David Burrowes MP, who was fresh from successfully limiting the latest attempts to expand Sunday trading.



The speeches were preceded by a commendably brief and businesslike AGM at which Mark Hill QC was elected Chairman, with John Rees remaining on the committee as Vice Chair and Rev Russell Dewhurst (St Mary Ewell, Guildford Diocese), Frank Cranmer (Durham) and Elizabeth Wilson (Wrigleys) were elected as new members of the committee.

Following her lecture Lady Hale presented the Eric Kemp Essay Prize for 2014/2015 to this year's winner, Richard Nicholl for his essay, "Paved with good intentions: trends towards disestablishment of the Church of England in Judicial Review".



Eric Kemp Essay Prize - Please note, the 2015-6 and 2016-7 competitions are now underway. Flyers have gone to heads of law schools, chaplains and others who may know students interested in writing on topics of Ecclesiastical Law. If you know students who may be potential candidates for the prize do mention it to them.

Prayer and the Law...

Forms of Worship:

In the Church of England clergy are bound to use only those forms of worship 'authorised for use in the Church of England' (Canon B1).

The forms authorized are those included in the BCP, which includes Communion, Matins, Evensong, Baptism and Baptism for those of Riper Years, Holy Matrimony,

Funerals and the Churching of Women. In terms of canon law the BCP is the Church's 'default setting'.

Canon B2 gives General Synod the power to authorize alternative forms of worship and it is under this power that some of the Common Worship materials are authorized. Common Worship has a similar range of services as the BCP, although the separate form of Baptism for those of Riper Years and the Churching of Women are not included. Common Worship also includes a range of seasonal provisions for Morning and Evening Prayer and Communion, along with additional volumes of Pastoral Services (Weddings, Funerals and anointing of the sick), Rites of Initiation (Baptism, Confirmation and Ordination) and Times and Seasons, which is additional material for Harvest, Remembrance and so on.

However, many of these services are in fact simply commended by the House of Bishops. Apart from the minor anomaly of Series One (1928) services for marriage and burial, Common Worship is the only authorized alternative to BCP.

Canon B5.1 allows variations to the service that are 'not of substantial importance'. This is at the Minister's discretion and several provisions of Common Worship say 'may' rather than 'shall' include particular prayers. For example, the wedding service quite clearly says there 'shall' be a sermon but at a Communion service the President 'may' use any of the authorized forms of Creed.

Who decides?

For the most part what happens in worship is up to the decision of the incumbent (or equivalent in extra parochial places or Guild churches) in exercising the discretion under Canon B5. However, questions of vestments, timings of services, whether BCP or Common Worship should be used are decisions to be taken with the PCC. In the case of a difference of view about BCP or Common Worship the former should be used, again as the default position. Anything else that might be controversial eg a request to provide formal pastoral support by way of a service for those in same-sex relationships, should also go to the PCC for discussion.

Where?

Services of the Church of England should take place in buildings that are licensed by the Diocesan Bishop for worship; however a building does not need to be a consecrated Church for the purpose. Licences for worship have been given for multifaith chaplaincies, schools, swimming pools (so as to permit full immersion baptism) and café churches, amongst other places. Buildings licensed for worship by Church of England ministers may also be shared with other denominations, for example under a Local Ecumenical Partnership there is likely to be an agreement for sharing buildings under the Sharing of Church Buildings Act 1969. However, Church of England ministers should still only use the authorized forms of worship in such shared churches.

There are also provisions for accepting invitations to take part in services in Churches of other denominations otherwise than under a Church Sharing Agreement. Clergy

who receive such invitations should seek the consent both of the incumbent of the relevant Church of England parish and of the Bishop (Canon B43). Clergy should also be ministry of those in neighbouring parishes and not tread on each others' toes in scooping up weddings, funerals or baptisms of people who are not in their parish.

But all I want to do is say prayers...

The above provisions apply solely to formal publicly authorized worship. There is much wider scope for prayers more generically if doing things ecumenically, in schools and otherwise saying prayers in settings that do not constitute the public worship of the Church. Having said which clergy have to be careful if invited to join in the public worship of another church not to take the whole service but to be clearly an invited guest perhaps as a guest preacher.

But at the end of the day prayer is also a spontaneous, personal and pastoral matter. As more than one Bishop has been heard to observe, 'Who am I to stop people saying their prayers?'

Education and legal training:

Members may have seen, in the most recent edition of the Ecclesiastical Law Journal, that the committee is appraising the work being done to carry out its charitable purposes as an educational charity. One event, to be known as 'training the trainers', is planned for 3rd November 2016, from 10.30am to 3pm at the offices of Lee Bolton Monier-Williams, 1 The Sanctuary, Westminster SW1P 3JT. This is a chance for those already undertaking training in Ecclesiastical Law to come together and consider best practice and contemporary educational methods. More details will be available concerning this event in due course and will be disseminated via networks of those already engaged in training, for example the Ecclesiastical Law Association, Ecclesiastical Judges Association and the Archdeacons' Network.

Further training and educational events are also being considered. Your views are welcome to inform this development. Feel free to let us know if you would be interested in delivering or receiving training, in what capacity(ies) do engage with Ecclesiastical Law, what topics or areas of law do you think it would be helpful to explore and where it would be easiest to get to for training eg London, Manchester, Birmingham etc.

Committee Away Day: The Committee is also planning an Away Day meeting on 1st October to consider, in addition to education:

- a) Priorities for the society as it enters its fourth decade
- b) Use of the internet and social media
- c) Increasing membership

Your views on any of the above are welcome but feedback on our website and expansion of our internet presence would be particularly helpful. Responses to the

following questions would assist us in planning and developing appropriate web-based services:

- a) How often, if at all, do you use the current ELS website?
- b) What do you access the site for? Eg news, events, cases...
- c) What else would you like to see on the website?
- d) How user-friendly do you find the website?
- e) What other internet-based media do you use? Eg Facebook, Twitter, Instagram?
- f) What do you use the internet for generally? Eg work, personal life, research?
- g) Any other comments about internet use

We are also beginning to consider venues and topics for the 2018 and 2019 annual conferences. Again if there are particular matters of interest and/or venues about which you would like to express a preference do let us know....

A well deserved honour...

On a busy day in Cambridge, a Doctor of Law degree was conferred on Norman Doe in the morning and in the evening he and the chairman were guests of the Master of Magdalene for dinner. Rowan contributed a Foreword to a festschrift in honour of Norman, jointly edited by Celia Kenny, Frank Cranmer and Russell Sandberg, together with Mark Hill. The festschrift is published as: **The Confluence of Law and Religion: Interdisciplinary Reflections on the Work of Norman Doe** by Cambridge University Press. <http://www.cambridge.org/bo/academic/subjects/law/socio-legal-studies/confluence-law-and-religion-interdisciplinary-reflections-work-norman-doe>



Dates:

Lectures and Conferences:

London Lectures 2016 all to be held at Winckworth Sherwood, Montague Close, London SE1 9BB (by Southwark Cathedral), starting at 5.30pm with refreshments available from 5pm

22nd June 2016 – Relations between Church and State, the Norwegian experience
Andreas Hendriksen Arflot, Secretary to the Committee on Church Order of the General Synod of Norway

19th October 2016 – Chancellor Tim Briden, Vicar General Province of Canterbury-
Confirmation of Episcopal elections

The lectures are free of charge and open to members and non-members but spaces are limited so prior booking is essential.

The lectures for 2017 and 2018 are now being considered; if members have any ideas or preferences for lecture topics do feel free to let us know.

30th November 2016 – an invitation to ELS members to join the Advent Carols at The Temple Church – 5.30pm

‘The nature and diversity of authority in Anglicanism...’, the 2017 ELS Residential Conference and AGM will be at Trinity Hall, Cambridge from Friday 31st March to 2nd April 2017. This will also be the 30th anniversary of the Society.

Speakers whose attendance is confirmed include Rev Dr Sam Wells (St Martin-in-the-Fields), Professor Norman Doe (Cardiff University), Rt Rev Ric Thorpe (Bishop of Islington), Rev Lucy Winkett (St James Piccadilly), Ven Jane Steen (Archdeacon of Southwark), Helen Fraser (Church Warden, St Brides Fleet Street), Stephen Slack (General Synod), Rev Canon Dr Philip Groves (Anglican Consultative Council), Chancellor Ruth Arlow and Sir John Laws.

Services will be held in the College Chapel and Lucy Winkett will preach at the Sunday morning Eucharist. Do put the date in your diary.

Prices are variable dependent on whether you have an en suite room or not and there will be bursaries available for clergy again.

Book details:

Changing Churches: a practical guide to the faculty system – Dr Charles Mynors - Bloomsbury Continuum – Publication Date: June 2016 - the pre-order price is £30 (using code CHURCHES25 at Checkout – and it will also be available in Kindle at £12.99, via Amazon.

