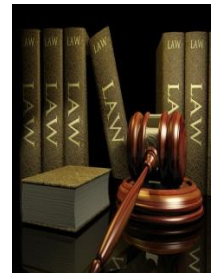


# Gospel and Law For Ordinary Time

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**Editorial:** A packed edition thanks to a detailed Synod agenda, which includes the first raft of changes under the simplification agenda. There are various provisions relating to pastoral reorganization, some amendments to clergy terms and updates to take account of safeguarding sanctions. Outside Synod there is a report on the Goddard Enquiry, some thoughts about Diocesan structures in the light of changes to company law and a brief report on the last London Lecture. Congratulations also go to the winners of the Eric Kemp Prize. There is a nod in the direction of Brexit and a link to some not-so-serious reflections on the changes to clergy vesture. Finally, as usual, dates and events for your diary. The weather notwithstanding, enjoy the rest of the summer.

## ERIC KEMP PRIZES 2015 - 2016

Congratulations to Thomas Naylor, student at Oxford Brookes University and winner of a 2016 Kemp Prize, which was presented to him by Mark Hill QC on 22nd June at the London Lecture by Andreas Hendriksen Arflot: "Relations of Church and State: The Norwegian experience".



The prizes are named after Bishop Eric Kemp, former President of the ELS, and are awarded annually to the best performing undergraduate student in a Law and Religion module in various UK universities which contain "a significant element of Ecclesiastical Law". For the academic year 2015-16 Eric Kemp prizes have been awarded at four university law schools. The prize is awarded in each case

to the student taking an undergraduate course on Law and Religion. The full list of this year's prizewinners is:

Cardiff:	Bethan Sykes
Durham:	Millie Hawes
Manchester:	Hannah Pilling
Oxford Brookes:	Thomas Naylor

This is the first year that a prize has been awarded at Manchester and it is a particular pleasure to note the development of the subject by Professor Søren Holm and Dr Javier Oliva with a course at this major law school which was taken this year by 82 students. Previously prizes have also been awarded at Bangor where the course in law and religion was run in alternate years as an option for both second and third year students. In future the subject will be taught as an LLM option.

#### **General Synod Report: - Items of Substantive Business included:**

The Draft **Mission and Pastoral etc. (Amendment) Measure** returned to the Synod for the Revision Stage; the provisions covered in the Amendment Measure include:

- A new form of instrument, the **Bishop's Pastoral Order**, to enable administrative changes that do not impact on legal rights of individuals or a church's status - eg to archdeaconries, deaneries, parish names and group ministries, without consulting statutory interested parties.
- Other provisions for **streamlined consultation** on draft Pastoral Schemes and Orders, and a presumption in favour of implementing deanery plans.
- Options for pastoral **schemes to be drafted either by the Diocese or the Church Commissioners**.
- **Simplifying arrangements for publicising schemes** and public hearings.
- **Bishop's Mission Orders** – removing prescriptions re length of time and requiring notice to the Church Commissioners so that best practice can be shared.
- **Compensation for loss of office by pastoral reorganisation** to be 12 month's stipend and pensions contributions, plus housing for 12 months and the possibility of an additional compensation on grounds of exceptional hardship; terms to be extended to all clergy regardless of tenure.
- **Endowments and Glebe Measure 1976** – removing the requirement to consult incumbents and PCCs on glebe transactions.
- **Patronage (Benefices) Measure 1986** - providing for the right of presentation to lapse to the Diocesan Bishop after 12 months.

The Synod gave First Consideration to the following:

- The Draft **Legislative Reform Measure**, which will give effect to the proposals approved by the Synod in February (set out in GS 2018) for a new procedure that will allow some Acts of Parliament and Measures to be repealed or

amended by Orders made by the Synod, without having to pass a Measure to that end.

- The Draft **Amending Canon No. 36**, which will amend Canon B 8 (Of the **vesture of ordained and authorized ministers** during the time of divine service) following Rev Chris Hobbs's private member's motion to make current forms of vesture optional not mandatory and Canon B 38 (**Of the burial of the dead**) to allow use of the normal burial service for those who have committed suicide and the unbaptised.
- The Draft **Statute Law (Repeals) Measure**, which will repeal obsolete provisions, as per the recent consultation.
- The Draft **Pensions (Pre-consolidation) Measure**, which will make pre-consolidation amendments to the existing Church legislation concerning pensions.
- The Draft **Ecclesiastical Jurisdiction and Care of Churches Measure**, which will consolidate statute law relating to the ecclesiastical courts and the care of church buildings.

The Synod decided not to proceed with the Draft **Inspection of Churches Measure**, which had been introduced at the request of the Church Buildings Council to replace the Inspection of Churches Measure 1955.

The Synod also approved the following instruments:

- **The Clergy Discipline (Amendment) Rules 2016** which amend the Clergy Discipline Rules 2005 to take account of amendments to the Clergy Discipline Measure 2003 by the Safeguarding and Clergy Discipline Measure 2016.
- **The Suspension Appeals (Churchwardens etc.) Rules 2016** which put in place a procedure for appeals against suspension of churchwardens, PCC members and others in addressing safeguarding issues under new powers conferred by the Safeguarding and Clergy Discipline Measure 2016.
- **The Amending Code of Practice under the Clergy Discipline Measure 2003** which amends the existing Code of Practice to take account of changes in the Safeguarding and Clergy Discipline Measure 2016 and the Clergy Discipline (Amendment) Rules 2016.
- **The Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2016** which updates the fees for proceedings in ecclesiastical courts and tribunals.

**The Legal Officers (Annual Fees) Order 2016** was effectively withdrawn before being approved; a revised form of Order will be put before the Synod for approval in February 2016.

Non-legislative items of business included the following:

**Renewal and Reform** – a debate on the vision and narrative for Renewal and Reform set out in GS 2038.

A 'Take Note' Debate on a report from the Education office, '**A Church of England Vision for Education**' including the Foundation for Educational Leadership.

**Archbishops' Council's Annual Report and Budget 2017** Proposed expenditure in 2017 is £37.7 million, £3.3 million (9.4%) above the equivalent 2016 level. The overall apportionment increase is lower at 3.5% due to funding attracted from external sources and greater use of the Council's restricted funds. The increase in expenditure is driven by the following main factors:

- Increased investment in encouraging vocations, funding for an assumed 10% increase in the number of new ordinands from autumn 2017 and an inflationary increase in the costs of ordination training (£0.7m)
- The inclusion of grants made from Ministry Division restricted funds including for the growing context based parish support scheme (£0.7m)
- Additional provision for safeguarding compared with 2016 budget (£0.8m)
- The pilot digital evangelism project (£0.7m)
- Increase of 5% for the clergy retirement housing grant, agreed until 2020 (£0.2m)
- Additional resource for the extension of the occasional offices project (£0.1 m).

**The EU Referendum** – A Motion moved by the Archbishop of Canterbury, as amended by Mrs Enid Barron (London) was passed calling for the Church 'to unite in the common task of building a generous and forward looking country, contributing to human flourishing around the world,' and asking each Bishop to identify a Diocesan champion to identify ways to take this forward.

The Bishop of Truro presented a report for a take note debate on the arrangements for discerning and nurturing **Senior Church Leadership**.

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**Unintended Consequences and significant influence** – The Church of England is one of the most constitutionally complex organisations in the country, a complexity which confuses many who have dealings with it. The assumption that the Church is one body is far from the reality in legal terms. For example each PCC is a separate charity, bound by the order of the Church but with independent decision-making responsibility. Although generally identified by their churches, parishes can have more than one church. Then there is the relationship between Synods and parishes and between Synods and Bishops, from whom all licensed and legal personnel hold their authority.

This complexity has been further highlighted by new legislation from the Department for Business, which has introduced provisions to enhance corporate transparency and tackle tax evasion, money laundering and terrorism. By Schedule 3 to the Small Business, Enterprise and Employment Act 2015 companies are now required to maintain a register of Persons with Significant Control. Church organisations that may be caught by the legislation include incorporated charities like DBFs, incorporated DBEs and Diocesan Academy Trusts and limited companies controlled by parent charities. The difficulty for the Church is that some of the bodies that may be perceived to have such control are unincorporated; for example

does Diocesan Synod have significant control over the DBE? Conversations are ongoing to clarify the precise remit of the legislation as it applies to the Church but it provides some interesting scope for reflection on quite how the church operates.

Whilst on the issue of transparency charities – including parishes – whose annual income exceeds the £500,000 threshold will also need to keep a register of connected persons ie all persons to whom trustees are related. The **2016 Statement of Recommended Practice** means that it is no longer sufficient to disclose transactions with connected persons as they arise; the relationships must be disclosed as a matter of course. Your accountants will advise what is required.

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**Goddard Enquiry** – The Enquiry has now begun its work; its remit is ‘to identify institutional failings where they are found to exist... demand accountability for past institutional failings... support victims and survivors to share their experience of sexual abuse [and] make practical recommendations to ensure that children are given the care and protection they need.’ The Inquiry is led by Hon. Dame Lowell Goddard, supported by a Panel, a Victims and Survivors Consultative Panel, and other expert advisers. Applications for core participant status – essentially those with a direct interest in the enquiry and its findings and who may be implicated by its findings - have now been sought in relation to investigations into abuse in the Roman Catholic Church, child migration programmes and several children’s homes. The first hearing in relation to the enquiry into the Anglican Church was held in March 2016; the next will be on 27<sup>th</sup> July 2016. The Anglican Church is defined for the purposes of the enquiry as ‘the Church of England, the Church in Wales and other Anglican churches operating in England and Wales’. It will focus on Chichester Diocese and the case of Bishop Peter Ball as case studies for the examination of whether lessons can be learnt in the Church more widely. Further details of the timetable will be considered at the 27<sup>th</sup> July hearing. For more information the Enquiry website is: <https://www.iicsa.org.uk>

An appeal for help from Elizabeth Alderson, Administrative and Ecclesiastical Librarian. Volunteers are needed to help with the subject and citation indexing of the annual volumes of Consistory Court cases. An interesting way to keep tabs on what is happening in the Consistory Court and great service in the process. This is an on-going process, not a one-off project. Practitioner knowledge is essential, but Elizabeth can provide training in index construction, and support throughout. Anyone who is interested and might be able to spare some time to help Elizabeth can contact her at Middle Temple Library, London EC4Y 9BT: 020 7427 4830 or [E.Alderson@middletemple.org.uk](mailto:E.Alderson@middletemple.org.uk)

**Brexit - Chexit** At a recent Deanery Chapter meeting the conversation somehow moved from discussing Brexit to the disestablishment of the Church of England. It was pointed out that the legislation required for the latter would not be much less than needed for the former and as the discussion progressed the term Chexit was coined. It has the merit of being less of a mouthful than disestablishmentarianism!

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**Clergy Vesture:** One response to the discussion about clergy vesture and the (hopefully unnecessary) rubric that a mankini is dressing down too far, appeared under the heading 'The Beaker folk of Husborne Crawley, An Oasis of Fuzzy Thinking...' <http://cyber-coenobites.blogspot.co.uk/2016/07/clergy-dress.html>

**Dates:**

**Lectures and Conferences:**

Last **London Lecture** of 2016, **Winckworth Sherwood**, Montague Close, London SE1 9BB (by Southwark Cathedral), **starting at 5.30pm**; refreshments available from 5pm

**19<sup>th</sup> October 2016** – Chancellor Tim Briden, Vicar General Province of Canterbury-Confirmation of Episcopal elections

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

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

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**THE ELEVENTH LYNDWOOD LECTURE** hosted by The Canon Law Society of Great Britain and Ireland *in association with* The Ecclesiastical Law Society

**The Revd. Dr Nicholas Schofield** Author of *The English Cardinals* speaking on:  
**A Church without Bishops: Governance of the English Catholic Mission 1594-1685**

**St Mary Moorfields (Eldon Street EC2M 7LS) Thursday 17th November, 2016**  
6.30pm for 7.00pm Tickets: £40 including buffet supper and wine

**'Training the trainers' - 3<sup>rd</sup> November 2016, from 10.30am to 3pm** at the offices of **Lee Bolton Monier-Williams, 1 The Sanctuary, Westminster SW1P 3JT.**

A chance for those already delivering training in Ecclesiastical Law to consider best practice and contemporary educational methods. Details will also be circulated Ecclesiastical Law Association, Ecclesiastical Judges Association and the Archdeacons' Network.

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**30<sup>th</sup> November 2016** – an invitation to ELS members to join the Advent Carols at The Temple Church – 5.30pm  
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**‘The nature and diversity of authority in Anglicanism...’, the 2017 ELS Residential Conference and AGM will be at Trinity Hall, Cambridge** from Friday 31<sup>st</sup> March to 2<sup>nd</sup> April 2017. This will also be the 30<sup>th</sup> anniversary of the Society.

Speakers whose attendance is confirmed include Rev Dr Sam Wells (St Martin in the Field), 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 (formerly of the 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 £15.99 – and it will also be available in Kindle.