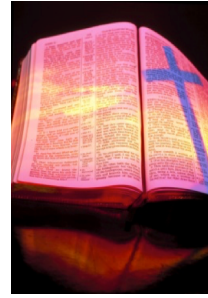


# Gospel & Law

## Epiphany Edition

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**Editorial:** Happy New Year, hope you had a good Christmas and welcome to Epiphany and more revelations about Church Law and related matters....

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**For those who were unable to attend the Lyndwood Lecture, held in December, the following Press Coverage of Dominic Grieve's speech may be of interest.**

### **Politicians put stability at risk in race for popularity, Grieve warns**

Dominic Grieve QC said politicians were undermining their own credibility by seeking temporary solutions that would only make the public more disaffected

Susannah Ireland/The Times

#### **Oliver Moody**

Last updated at 12:01AM, December 13 2014

Some of the coalition's leading policies risk "eroding" Britain's legal framework for the sake of populism and short-term political gain, a former attorney-general has warned.

Dominic Grieve, QC, who was removed from the cabinet in July, questioned the wisdom of cuts to the legal aid budget and proposals for English home rule in one of the most comprehensive critiques of government policy by a former minister under David Cameron's leadership.

He said that politicians from all the leading parties were undermining their own credibility by seeking temporary solutions that would only make the public more disaffected in the long run.

In a speech to the Ecclesiastical Law Society in Westminster that offered a staunch defence of the Church of England as an important counterweight to the upheaval created by successive governments, Mr Grieve said: "The desire for addressing [public] discontent is genuine, but we often seem to lurch from efforts at promoting optimism based on economic indicators to hand-wringing expressions of sympathy with our electorate's concerns.

"There seems little sign at present that any of these exertions are really helping restore the nation's confidence in existing or reformed political processes and institutions."

He seized on plans concocted by Chris Grayling, the justice minister, to repeal the Human Rights Act and found a "British bill of rights".

“I think this proposal is illustrative of a growing trend, which affects successive governments irrespective of party,” he said. “Those in power are failing to look at issues in the round and in the long term.”

The former attorney-general also said that deep cuts to legal aid had driven far more people to represent themselves in court.

“The wider confidence promoted by an enduring and encompassing framework of rights will be gone,” he said. “Our judiciary are already suffering the consequences in one very practical sense in the increase in selfrepresentation.” A source close to Mr Grieve said that he had held deep reservations about the plans to cut legal aid.

Mr Grieve said that legal and political institutions that protected individuals were “in danger of being eroded at the very moment when those governance changes are at their greatest”.

“While all law is a man-made construct, we should be careful not to undermine or reject that which is occasionally inconvenient to those with power,” he said.

He suggested a connection between the public’s sense of disenchantment and radical changes that had rocked faith in British law since Tony Blair’s election as prime minister in 1997.

He highlighted the powers devolved by Mr Blair, which he said were “intended to bring government closer to the citizen but which have then led to the failed attempts at regionalising England and now to the claim for English votes for English laws”.

A spokesman for the Ministry of Justice said Britain had previously had one of the most expensive legal aid systems in the world, and the new settlement was still generous.

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**A little law...** Having had the wonderful experience one Christmas of my beautiful rendition of Isaiah 60 being interrupted from somewhere in the darkness by a drunken voice yelling ‘Bollocks’, the issue of how to tackle disruption in church came to mind. There are more criminal measures than you might realize although these days offences under the Public Order Act 1986 are more likely to be used particularly now that there is provision to tackle them as religiously aggravated.

Cemeteries Clauses Act 1847 s59 – tackles the ‘wilful’ or ‘unlawful’ disturbance of ‘any persons assembled in the cemetery for the purpose of burying any body therein’ or more generally committing a nuisance in the cemetery. The offence is liable to a Level 1 fine.

Ecclesiastical Courts Jurisdiction Act 1860 s2 – An offence of ‘guilty, riotous, violent or indecent behavior in England’ in any cathedral, parish or district church OR in any chapel of any religious denomination or place of worship certified under the Places of Worship Registration Act 1855. The offence may be committed whether it disrupts divine service and preaching or not. There is also an offence of causing disturbance in churchyards or burial grounds should anyone ‘molest, let, disturb, vex

or trouble or by any other means disquiet or misuse any preacher duly authorized to preach therein or any clergyman in Holy Orders ministering or celebrating any sacrament or any Divine service, rite or office...' The penalty is also a Level 1 fine but if two justices think fit they can commit to prison for up to 2 months.

Offences Against the Person Act 1861, s 36. Assaulting clergymen, etc

This creates an offence of obstructing or preventing a clergyman (these days person) or minister, by threat or force, 'in or from celebrating Divine service or otherwise officiating in any church, chapel, meeting house, or other place of Divine worship, or in or from the performance of his duty in the lawful burial of the dead in any churchyard or other burial place'. The force or threat is defined so as to include 'strike or offer any violence to, or shall, upon any civil process, or under pretence of executing any civil process, arrest any clergyman or other minister who is engaged in, or to the knowledge of the offender is about to engage in, any of the rites or duties in this section aforesaid, or who to the knowledge of the offender shall be going to perform the same or returning from the performance thereof'. The penalty shall be a prison term of up to two years.

**Burial Laws Amendment Act 1880 s7 - Burials to be conducted in a decent and orderly manner and without obstruction**

– an offence to tackle 'riotous, violent, or indecent behaviour' at any burial or the obstruction of any burial and related service. It is also an offence to 'deliver any address, not being part of or incidental to a religious service' or 'under colour of any religious service or otherwise, in any such churchyard or graveyard, willfully endeavour to bring into contempt or obloquy the Christian religion, or the belief or worship of any church or denomination of Christians, or the members or any minister of any such church or denomination,' Unlike the offences above offences under this Act are triable only at the Crown Court rather than the magistrates.

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**In the beginning was the Blog...** For an interesting reflection on the limits of free speech and how a church might conduct disagreement in public the following blog, now suspended, makes fascinating reading. <http://protectthepope.com/?p=10379>

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***More on the power to deconsecrate or demolish Churches*** – a clarification from Raymond Hemingray:

The Care of Churches and Ecclesiastical Jurisdiction Measure 1991 "powers to deconsecrate or if necessary demolish churches" is more limited than the impression given in the last newsletter. Section 22 gives a bishop power to deconsecrate only if "the building or land is not held or controlled by any ecclesiastical corporation (that is to say, any corporation in the Church of England, whether sole or aggregate, which is established for spiritual purposes) or by any Diocesan Board of Finance". So the power won't apply to your average church. It will only apply to, for example, a chapel in a public cemetery, which is owned by the local authority.

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## Lectures and Conferences:

**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 Event for Magna Carta will be on Monday 23<sup>rd</sup> November 2015.** It will begin at 6pm with Choral Evensong, include an address by the Master on Temple Church and Magna Carta and conclude with drinks and canapés. Tickets are £50 (£90 non-members) and bookings are now open.

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

28<sup>th</sup> January – Stephen Borton on Marriage

18<sup>th</sup> March – Archbishop Kallistos Ware on Canon Law from an Orthodox perspective

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

14<sup>th</sup> October - Charles Mynors on the faculty jurisdiction in the light of the new Care of Churches (Amendment) Measure

**The Biennial Residential Conference** will be held from 17<sup>th</sup> to 19<sup>th</sup> April 2015, on “Funerals, Burial and Churchyards,” in Bristol, next to the Cathedral, where most of our worship sessions will take place. Early arrivals will be able to join in Evening Prayer at the outstanding city church of St Mary Redcliffe. The conference will include ‘Setting the Scene’ by Professor Douglas Davies and Rev Sandra Miller of the Funerals Project, perspectives on Funerals from Dr Frank Cranmer, Churches Group on Funerals; Burial and Exhumation by HH Rupert Bursell, QC, Chancellor of Durham; keynote addresses by Bishops Geoffrey Rowell and Bishop Christopher Hill; Churchyards by Andrew Johnson, Registrar of Winchester and Salisbury, Heritage by Dr Joseph Elders, Church Building Council and Providing for the future by Dr Julie Rugg.

This will be the final conference presided over by Bishop Christopher as our Chairman. Make sure the dates are in your diary and as bookings are now open, feel free to book.

**Re the AGM** - As usual we will be electing the officers of the society at this year’s AGM. However, this year Bishop Christopher (Chair), Claire Faulds (Vice Chair) and John Rees (Treasurer) are all likely to stand down. This is therefore the time to think about nominations for new candidates for these posts. There are also three committee places open for re-election.

**Please remember to renew your subscription for MEMBERSHIP YEAR TO 30TH JUNE 2015** £40 and £25 concessions... for more details see:  
<http://www.ecclawsoc.org.uk/membership.html>