

GOSPEL & LAW

LENT EDITION

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

revdrcath@gmail.com
admin@ecclawsoc.org.uk



Editorial: Since our last edition Lent has arrived and another General Synod session has come and gone, with comparatively little press coverage. It seems that the only bad news the Press managed to tease out from the week was a report on declining church attendance, which scarcely seems new! This edition considers the proposals and debates that have legal implications. It also provides a report on Charles Mynors' talk about the Faculty Jurisdiction Rules and some reflections on bell-ringing. As usual there are also dates for the diary, the most imminent of which is this year's AGM and Day Conference on 12th March and a reminder about printing off the papers.

General Synod Reports

Mission and Pastoral etc (Amendment) Measure – GS 2014

This Measure amends aspects of the Mission and Pastoral Measure 2011, the Endowments and Glebe Measure 1976 and the Patronage (Benefices) Measure 1986. Key provisions include new provision for compensation and housing for clergy who lose office as a result of pastoral re-organisation, greater flexibility in relation to the arrangements for the drafting and publication of pastoral schemes, simplification of procedural and other requirements in relation to Bishops' Mission Orders and the removal of the requirement for a DBF to consult incumbents and PCCs on proposed glebe transactions.

Canon Professor Michael Clarke's re-appointment as **Chair of the Dioceses Commission** for May 2016 to April 2021 was confirmed. The Commission reviews the provincial and diocesan structure of the Church of England eg the size, boundaries, number and distribution of provinces and dioceses, the numbers of Bishops and arrangements for episcopal oversight.

The Presidential Address:

The Archbishop's Presidential Address contained a significant reflection on the Primates Meeting held in January. The Archbishop was keen to downplay the role of law, at least in the international aspects of the Anglican Communion. For example, 'No province is legally bound by the Communion; there is no synodical group within the Communion...' and 'The underlying issue is about reception.... the informal process by which, over time, developments are accepted or rejected in a way that leads to consensus... It is not a legal process, but a discernment of the Spirit based in relationship....The Anglican Communion finds its decisions through spiritual discernment in relationship, not through canons and procedures. Those operate at Provincial level. All developments must show signs of the presence of the Spirit, not

only locally but across the Communion. Primates' Meetings, Lambeth Conferences and ACCs are not a question of winning and losing, but of discerning.'

Yet the decision to exclude the Episcopal Church means that it is no longer recognized as able 'to represent the Communion ecumenically or in its principal elected standing committees... nor should they vote on matters of doctrine or polity.' The decision therefore carries significant representational sanctions with legal effect and is more than 'a powerful and morally forceful guideline.'

The Columba Declaration - Another significant Inter-Provincial Development is the issue of closer ties, including possible ministerial recognition, with the Church of Scotland as reflected in the Columba Declaration published on 30th January 2016. Synod voted to continue with talks about working more closely together but, accepting an amendment from the Bishop of Truro, to include the Scottish Episcopal Church in those continuing talks.

At a more everyday level a proposal from Worcester Diocesan Synod to include the costs and expenses of providing a vergers at funerals and weddings within the fees payable to PCCs, was rejected.

Synod voted to bring forward draft legislation to the July Group of Sessions to give effect to the proposals for an **Enabling Measure** to create a 'more rapid and less complex process' for the amending or repealing of primary legislation.

The **Renewal and Reform** process also saw another paper in respect of increased funding for both ordained and lay training so as to enable a 50% increase in those being trained for leadership posts by 2020, with a price tag of £13.5m. The precise nature and deployment of such posts will be left to local decision-making but the current age-based Bishops Regulations will be replaced with guidelines and advice

In relation to the Church's input into wider social justice there was support for a Motion from Leeds Diocesan Synod calling on the Government to implement recommendations of the APP Inquiry into Hunger in the UK 'Feeding Britain' about use of sanctions upon benefit claimants.

Report on the London Lecture - 27th January 2016 – The Faculty Jurisdiction Rules 2015: all change (again)?

Chancellor Dr Charles Mynors delivered another very successful London Lecture to a packed house. Perhaps the most notable accolade was the number of people who commented 'and he made it funny too!' The last edition of the newsletter covered the rules in some detail but the lecture raised a number of questions to be monitored as the Rules are implemented. For example, it will be interesting to note what matters are listed by Chancellors as 'excluded matters' (r.3.6), even though they would normally fall within the Schedules of matters that do not need a faculty. It will also be interesting to monitor the impact on the size and nature of the workload of Consistory Courts and Registries. It was also noted that Archdeacon's powers of enforcement at the expiry of a temporary licence (Part 8) are carried over

from the 2013 Rules. Further detail can be found in Charles' book *Changing Churches: A Practical Guide to the Faculty System*, to be published by Bloomsbury.

Of the ringing of Church Bells:

Readers may have heard mention of a move by Campanologists to re-classify bell-ringing as a sport in a bid to attract younger members. The Central Council of Church Bell Ringers was reported to be opposed to the idea on the basis that it did not think that such an approach was consistent with the role of calling people to worship.

Whilst Canon F8, headed 'Of Church Bells' provides that at least one bell should be rung to 'ring the people to divine service', there is nothing that says they should ONLY be used in divine service. However, as 'No bell in any church or chapel shall be rung contrary to the direction of the minister' there is scope for each minister to take a view on the matter at local level.

Many towers do of course already host competitions, classes and other bell-ringing activities in addition to ringing for services. Consideration would have to be given to practical issues such as whether competitive ringing would increase wear and tear and therefore repairing liability and the reaction of the neighbours to any increased noise. In addition, clarity would be needed about the charging of competition fees, financial arrangements for use of the tower and who was responsible for PI cover for and possible increased risks of injury from ringing. Questions might also be raised as to whether pastoral support would most appropriately be supplied by the vicar or by a sports' chaplain.

It would not be the first time that church and sport have been combined – many excellent football teams had their origins in Church-based football clubs.

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

16th March 2016 – Winding up/leaving a religious community – Francesca Quint, Barrister and Specialist in Charity Law and Alastair Hunt FCA

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 2016 AGM and Annual Conference will be held on **Saturday 12th March 2016** at the Bridewell Institute, Bride Lane, London, with worship at St Bride's Church, Fleet Street. **Freedom from and of Religion - Keynote speaker will be Baroness Hale of Richmond, Deputy President of the Supreme Court**, with David Burrowes MP, Mark Hill QC, Roman Catholic barrister David O'Mahony and a reflection on the day by the Rt Revd John Gladwin. Places still available... see <http://www.ecclawsoc.org.uk/43-news-articles-and-events.html> for more details and to book.

LARSN Conference – The 2016 Law and Religion Scholars Network (LARSN) Conference will be held on Thursday 5th and Friday 6th May 2016 at Cardiff University and will celebrate the 25th Anniversary of the LLM in Canon Law at Cardiff. The plan is to include a number of themed panels alongside the usual general panels. Proposed panels so far include: Law, Religion and Media Reporting, The Reformation Revisited and Religious Law. Further suggestions are welcome. Further details including a call for papers (for both themed and general panels) and information about the conference fee will be available in the New Year. We regret that we are unable to provide financial support for travel or accommodation. Please direct any queries to SandbergR@cf.ac.uk

The ELS 2017 Residential Conference and AGM will be at Trinity Hall, Cambridge from Friday 31st March to 2nd April 2017 and will consider the theme, 'By whose authority? A Church ordered in its diversity...', Speakers who have confirmed their attendance so far will include Rev Dr Sam Wells (St Martin in the Field), Professor Norman Doe (Cardiff University), Stephen Slack (General Synod), Rev Canon Dr Philip Groves (Anglican Consultative Council) and Sir John Laws. Prices are variable dependent on whether you have an en suite room or not and there will be bursaries available for clergy again. Do put the date in your diary.