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EDITORIAL

*The flowers appear on the earth; the time of the singing of birds is come, the voice of the
lawnmower is heard in our land...*

... and the CJEU's Grand Chamber has reaffirmed in *Vera Egenberger v Evangelisches Werk für Diakonie und Entwicklung eV* [2018] EUECJ C-414/16 what we already knew: that where religion or belief organisations impose a Genuine Occupational Requirement when recruiting staff, that requirement must be both genuine, legitimate and justifiable. Further details [here](#).

As we also already know, the General Data Protection Regulation comes into force on **25 May**. The Information Commissioner's Office continues to produce guidance and [FAQs](#) which appear to be subject to frequent updates: its final [Consent Guidance](#) was released on 9 May.

Unfortunately, it is sometimes impossible to know precisely when a particular piece of guidance was last updated. Am I the only person who wishes that Government Departments and Executive Agencies would date their web-pages? It just isn't that difficult to do – and it would dispel an awful lot of confusion. [FC]

DATES FOR THE DIARY

Tuesday 3 July: London lecture – Baroness (Elizabeth) Berridge, co-chair of the All Party Parliamentary Group on International Freedom of Religion or Belief on *Freedom of Religion or Belief*. Book [here](#).

Thursday 12 July: Northern Province lecture – the Chairman (and Chancellor of the Diocese of Leeds), on *The Ecclesiastical Jurisdiction and Care of Churches Measure 2018*. Book [here](#).

Wednesday 10 October: London lecture – Dr Peter Smith, barrister of Lincoln's Inn and formerly Dean of Law at Exeter University, on *Visitations*. Book [here](#).

Thursday 11 October: Northern Province lecture – Sir Philip Mawer (lately the Independent Reviewer under the Declaration on the Ministry of Bishops and Priests (Resolution of Disputes Procedure) Regulations 2014) on his work as Independent Reviewer. Book [here](#).

Wednesday 7 November: Lyndwood Lecture 2018 – Professor Diarmaid MacCulloch Kt DD FBA on *Richard Hooker (1554-1600): Invention and Reinvention*. Book [here](#).

5 to 7 April 2019: ELS Residential Conference – to be held at **Cumberland Lodge, Windsor: Church and State in the Twenty-first Century: Re-imagining Establishment for the post-Elizabethan age**. Speakers will include Prof Robert Blackburn, Canon Malcolm Brown, Prof Norman Doe, Sir William Fittall, The Revd Paul Goodliff, The Rt Revd Graham James, Dr Colin Podmore and Lord Singh of Wimbledon. Book [here](#).

*London Lectures are held at Winckworth Sherwood, Minerva House, 5 Montague Close,
London SE1 9BB.*

*Northern Province Lectures are held at the offices of the Diocese of Leeds, 17-19 York Place,
Leeds, LS1 2EX*

CHURCH MEASURES 2018

The [Ecclesiastical Jurisdiction and Care of Churches Measure 2018](#), the [Legislative Reform Measure 2018](#), the [Mission and Pastoral etc. \(Amendment\) Measure 2018](#), the [Pensions \(Pre-consolidation\) Measure 2018](#) and the [Statute Law \(Repeals\) Measure 2018](#) received Royal Assent on 10 May. The Legislative Reform Measure comes into effect immediately; the

operative provisions of the others will come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint.

ELECTIONS TO THE CROWN NOMINATIONS COMMISSION

On 26 March 2018, a panel appointed by the General Synod's House of Laity, consisting of Canon Geoffrey Tattersall QC [Chair], Mrs Julie Dziegiel and Mr Martin Kingston QC, considered the appeal by Mrs April Alexander in respect of the House of Laity's election of Miss Jane Patterson as a member of the Crown Nominations Commission. On 6 April it published a **reasoned decision** in which it rejected the appeal.

Mrs Alexander had argued that Miss Patterson had undeclared conflicts of interest: primarily her positions as a trustee of Christ Church Central, Sheffield, and Christ Church, Walkley, Sheffield, both of which are members of the Anglican Mission in England (AMiE) [11]. However, the panel was satisfied that the trusteeships had no bearing on Miss Patterson's eligibility to stand for election to the CNC and noted that 'neither the Standing Orders nor the General Synod Members Code of Conduct required Miss Patterson to disclose any conflict of interest' [56]. Nor was the Charity Commission guidance on conflicts of interest applicable, 'given that neither the General Synod nor the CNC is a charity' [57].

Further, the panel stated that it was not for it determine whether the current position on disclosure was satisfactory: while it was 'theoretically possible for the General Synod to amend its Standing Orders and impose a more onerous Code of Conduct than that which currently exists, for example by requiring candidates to make express disclosure of all organisations of which they are directors or trustees', that was a matter for General Synod, not for the panel [58]. [*David Pocklington*]

ECCLESIASTICAL EXEMPTION IN WALES

Cadw has issued a **consultation** on:

- the draft Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018;
- draft best-practice guidance, *Managing Change to Historic Places of Worship in Wales: the Ecclesiastical Exemption*; and
- draft best-practice guidance, *Managing Scheduled Monuments in Wales*.

The main changes proposed to the ecclesiastical exemption are removal of the exemption for conservation area consent; removal of the United Reformed Church from the exempt denominations (which is being done at the request of the URC); and clarification regarding the buildings covered by the exemption to eliminate occasions when both secular and denominational consents are needed.

The new guidance on the ecclesiastical exemption has been prepared to support the exempted denominations in its use. It may also be helpful for local planning authorities and congregations and for denominations and faith groups that might be interested in seeking the ecclesiastical exemption in the future. *Managing Scheduled Monuments in Wales* has been produced in conjunction with the Historic Environment (Wales) Act 2016. It is aimed primarily at owners, occupiers and managers of scheduled monuments and explains how to care for scheduled monuments and the general principles to consider when managing and making changes to them. It also explains how to apply for scheduled monument consent, including the respective roles and responsibilities of owners and Cadw, and provides details about where to get further help and assistance.

The consultation will close on **Friday 13 July** and responses can be made online at <https://beta.gov.wales/consultations>, by e-mail to historicenvironmentleg@gov.wales or by post to Regulations and Guidance Consultation 3, Legislation and Policy Team, Cadw, Welsh Government, Plas Carew, Unit 5/7 Cefn Coed Parc, Nantgarw, CARDIFF CF15 7QQ. It should be borne in mind that if the Law Commission recommends reforming Welsh planning law by rolling up listed building consent into the planning system and the Welsh Government legislates accordingly, the ecclesiastical exemption currently in operation will automatically cease to exist and some new mechanism will have to be devised to replace it. But that is for the future – and, of course, it may never happen at all. [FC]

PAROCHIAL CHURCH COUNCILS AND ‘FRIENDS’ CHARITIES’

Following the publication of *Conflicts of interest: a guide for charity trustees (CC29)* by the Charity Commission in 2014, the Legal Advisory Commission of General Synod has issued an Opinion, *Friends Charities: Conflicts of Interest*, on whether incumbents and churchwardens should act as trustees of a friends’ charity or whether they should merely be invited to attend and speak at the charity’s meetings and withdraw prior to any decision or vote. A further concern is whether a trustee of a friends’ charity may also properly serve on the relevant PCC. CC29 does not mention friends’ charities specifically, but its general tenor has raised concerns in some minds as to the propriety of dual membership. The Opinion notes that incumbents and PCC members who act as trustees of a related friends’ charity must make sure that they act solely in the interests of that charity and not of the PCC. However,

‘In the case of an incumbent or PCC member participating in a decision of a friends’ charity, the duty to each body should coincide. In our view, it is sufficient, in order to address any conceivable conflict of loyalty, for a PCC member to declare that membership to the friends’ charity and to disclose the nature of any decision that the PCC may already have arrived at relevant to the decision which is being considered by the friends’ charity.’ [FC]