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EDITORIAL

Much the biggest news since the last edition – at least in the wider world of law and religion – was the somewhat unanticipated judgment in *Lee v Ashers Baking Company Ltd & Ors (Northern Ireland)* [2018] UKSC 49. The ensuing discussion has agitated many electrons and spilt a certain amount of academic blood: for my part, I'm too timid a soul to try arguing with the President of the Supreme Court. [FC]

DATES FOR THE DIARY

Wednesday 7 November: Lyndwood Lecture 2018 – Professor Diarmaid MacCulloch Kt DD FBA, Professor of the History of the Church, University of Oxford, on *Richard Hooker (1554-1600): Invention and Reinvention*. Hooker's *Of the Lawes of Ecclesiastical Politie* has been described as 'a continuous and coherent whole presenting a philosophy and theology congenial to the Anglican Book of Common Prayer and the traditional aspects of the Elizabethan Settlement'. Book [here](#).



Wednesday 6 February 2019: Northern Province lecture – Bishop Colin Buchanan on *The transferable vote: a hundred years of Anglican experience*.

Thursday 14 March 2019: study day – to be held at **Manchester Diocesan Office, 90 Deansgate, Manchester M3 2GH**: ‘Foremost in Representing the Laity: Training of churchwardens in today’s Church’ – on churchwardens and the law, with Simon Baker, Stuart Beake, Norman Boakes, Stephen Borton, Mark Hill QC and Andrea Russell. 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 QC, The Revd Canon Malcolm Brown, Prof Grace Davie, 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](#).

Thursday 16 May 2019: Northern Province lecture – Caroline Mockford, Registrar of the Diocese and of the Province of York, on *Closed Churchyards*.

Tuesday 16 July 2019: Northern Province lecture – Bishop Nick Baines on *The Function of Ecclesiastical Law in Effective Parochial Ministry*.

Wednesday 6 November 2019: Northern Province lecture – Rt Worshipful Charles George QC, Auditor of the Chancery Court of York, on *Do we still need the Faculty System?*

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

SIR PHILIP MAWER ON ROLE OF THE INDEPENDENT REVIEWER



On 11 October, some 35 people gathered at the diocesan offices of the Diocese of Leeds for a lecture by Sir Philip Mawer. Sir Philip was the first Independent Reviewer appointed to review grievances and concerns relating to the operation of the House of Bishops’ Declaration on the Ministry of Bishops and Priests. This Declaration was passed as part of the 2014 settlement which paved the way for the passing of the legislation to allow for the consecration of women bishops.

The Declaration enshrines the ‘Five Guiding Principles’ which deal with how the Church of England, whilst accepting the ordination of women priests and bishops, allows space for those who cannot, on theological grounds, accept their ministry. Although the Declaration is not law, the position of the Reviewer is enshrined in the Ministry of Bishops and Priests

(Resolution of Disputes) Regulations 2014. Sir Philip explained that he had not received any grievances from Parochial Church Councils but had received three expressions of concern from others which he had considered and published reports on. These related to separate Chrism Masses, the licensing of a woman priest at All Saints', Cheltenham and the nomination of Bishop Philip North to the See of Sheffield and his subsequent withdrawal.

Details of the work of the Reviewer and his reports are available on the Church of England website, [here](#). The full text of Sir Philip's lecture is available to ELS members in the 'Members' Only' section. [Paul Benfield]

CDM 2003

The Bishop's Disciplinary Tribunal for the Diocese of Chester has handed down its **determination** in the case of the Revd Simon Robert Marsh.

MARRIAGE AND DIVORCE

On 15 September, the Ministry of Justice announced a consultation on the grounds for divorce in marriage and civil partnerships: *Reducing family conflict: Reform of the legal requirements for divorce*. One of its proposals is that one spouse would no longer be able to contest the other's divorce application: presumably the MoJ's response to the judgment in *Owens v Owens* [2018] UKSC 41, in which the Supreme Court unanimously rejected Mrs Tini Owens's appeal against the refusal of the lower courts to grant her a divorce opposed by her husband – and did so with obvious reluctance. [FC]

CIVIL PARTNERSHIP

In the course of the Conservative Party Conference the Prime Minister announced that the Government is to legislate to open civil partnership to opposite sex couples in England and Wales. In a statement, she said that the change would help protect the interests of those who want to formalise their relationship but do not necessarily want to get married: 'By extending civil partnerships, we are making sure that all couples, be they same-sex or opposite-sex, are given the same choices in life.' [FC]

CHARITY COMMISSION: REPORTING SERIOUS INCIDENTS

The Charity Commission has **published updated guidance** on reporting serious incidents, in response to the publication of the **final report** from its safeguarding taskforce. Much of its emphasis is on ensuring that the Commission is sent all the details necessary to conduct an effective investigation as quickly as possible. It should go without saying that the obligation

to report serious incidents applies to the trustees of *all* charities in England and Wales, whether registered with the Commission or not. [FC]

THE HOUSE OF LORDS ON RELIGIOUS INTOLERANCE

On 17 October, the House of Lords debated ‘the challenges posed by religious intolerance and prejudice in the United Kingdom’: you can read the debate [here](#). Perhaps one of the most telling points was made by the Archbishop of Canterbury, who observed that ‘Christian faith and values, or those of other faiths, are not threatened by diversity of faith, but by a failure of freedom of expression, provided it does not include incitement to hatred, however robustly used.’ [FC]

ECCLESIASTICAL LAW ASSOCIATION WEBSITE

Undaunted by the catastrophic crash of the ELA website, Ray Hemingray is making remarkably good progress in rebuilding it. There are now almost 400 judgments on the new site, [here](#). [FC]
