



Ecclesiastical  
Law  
Society

**NEWSLETTER**  
**of**  
**THE ECCLESIASTICAL LAW SOCIETY**

---

**No. 11/2018**

**20 December 2018**

Editor: Frank Cranmer  
[frank.cranmer@centrallobby.com](mailto:frank.cranmer@centrallobby.com)

Administrator: Andrew Male  
[admin@ecclawsoc.org.uk](mailto:admin@ecclawsoc.org.uk)

**CHRISTMAS (almost) EDITION**

**EDITORIAL**

Anglican canon law not being my starter for ten (nor, indeed, my starter for any number you care to mention), consistory court judgments tend to pass me by. One recent decision that did catch my eye, however, was *Re All Saints Rothbury* [2018] ECC New 3. The petition proposed various works of which the contentious item was a safety-rope in the spiral staircase of the tower up to the ringing-chamber. The church architect proposed a rope running down the outer radius of the stairs because there was an electrical cable conduit running down the inner radius. The objector, on behalf of the local ringers, wanted a rope down the *inner* radius instead, because an outer rope would tend to force anyone climbing the tower towards the narrower part of a very narrow staircase. Chancellor Duff granted a faculty for a safety rope running down the inner radius, with fixing points at intervals.

Having climbed a few towers without any kind of rope or handrail *at all* – and knowing just how scary that can be – I was firmly with the Rothbury ringers on this one. [FC]

## DATES FOR THE DIARY

**Wednesday 6 February 2019: Northern Province lecture** – Bishop Colin Buchanan on *The transferable vote: a hundred years of Anglican experience*. Book [here](#).

**Wednesday 20 & Thursday 21 February 2019: Robin Sharwood Lecture in Church Law** – Mark Hill on *Anglican Canon Law: identity, ecclesiology and ecumenism*: **Melbourne**: Wednesday 7.30pm, Craig Auditorium, Gateway Building, Trinity College (book [here](#)): **Sydney**: Thursday 6.00pm, St James' Church, King Street (book [here](#)).

**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*. Book [here](#).

**Tuesday 16 July 2019: Northern Province lecture** – Bishop Nick Baines on *The Function of Ecclesiastical Law in Effective Parochial Ministry*. Book [here](#).

**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?* Book [here](#).

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

\*\*\*\*\*

## DIOCESE OF OXFORD: INDEPENDENT CASE REVIEW

On 28 December 2017, the Revd Tim Davis was found guilty of conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders through the abuse of spiritual power and authority over a person then aged 15-16. The penalty imposed under the CDM

2003 was immediate cessation of office and prohibition from the exercise of holy orders for a period of two years, effective from 12 March 2018.

The Diocese of Oxford has now commissioned an [Independent Case Review](#) of the reporting, investigation and management of allegations and concerns about the conduct of Mr Davis. It will be undertaken by Amanda Lamb, a specialist in safeguarding, and Chancellor Timothy Briden. [FC]

## **ST GEORGE'S, HEADSTONE**

Sir William Fittall, the Independent Reviewer, has published his report, [Grievance from the PCC of St George's Headstone](#), about matters relating to episcopal oversight for the church. The dispute resulted from a resolution passed on 31 October by the PCC of St George's Headstone in the Diocese of London which authorized the institution of a grievance against the Bishop of London under [The Declaration on the Ministry of Bishops and Priests \(Resolution of Disputes Procedure\) Regulations 2014](#). He concluded that the grievance was unjustified. [FC]

## **CAN A MONK BE A LAWYER?**

Some members of this Society will be astonished that one might even bother to ask. However, in [Monachos Eirinaios \[2018\] EUECJ C-431/17\\_O](#), Advocate General Sharpston has had to deal with precisely that question.

The Greek Council of State sought an advisory opinion from the CJEU on whether it is compatible with Directive 98/5/EC (on mutual recognition of legal qualifications) for the Athens Bar Association to refuse to register Monachos Eirinaios, a monk qualified in Cyprus and a member of the Cyprus Bar Association, as a lawyer practising under his home-country professional credentials *on the ground that monks simply cannot, under Greek national law, be entered in the registers of bar associations*. The decision of the Athens Bar Association was based on Article 8(1) of a Presidential Decree that provides that the national rules on incompatibilities (specifically, being a clergyman or a monk) also apply to lawyers from other EU jurisdictions who want to practise in Greece.

Unsurprisingly, AG Sharpston advises that Directive 98/5/EC precludes the application of a national rule prohibiting a person from being registered as a lawyer under his home-country professional title on the grounds that he is a monk and does not permit a Member State automatically to ban a person qualified in his home-country 'on the grounds that, as a person under religious discipline, he cannot by definition conduct himself in the manner required to provide the guarantees necessary for practice as a lawyer'. [FC]

**AND FOR YOUR CHRISTMAS STOCKING?**

Cambridge University Press has published a paperback edition of *Great Christian Jurists in English History*, edited by Mark Hill and Dick Helmholz. It's available at a 20 per cent discount – £20.79 or \$31.99 – until 29 November 2019. For more information, and to order, visit [www.cambridge.org/9781316638019](http://www.cambridge.org/9781316638019) and enter the code HILL2018 at the checkout.

***AND A HAPPY CHRISTMAS TO ALL OUR READERS...***

\*\*\*\*\*