



Ecclesiastical
Law
Society

NEWSLETTER
of
THE ECCLESIASTICAL LAW SOCIETY

No. 4/2019

8 April 2019

Editor: Frank Cranmer
frank.cranmer@centrallobby.com

Administrator: Andrew Male
admin@ecclawsoc.org.uk

LENT EDITION

DATES FOR THE DIARY

Tuesday 21 May: London Lecture – Dr Sarah Horsman, Warden of Sheldon (Mary and Martha), on *The CDM – a Sideways Look*. [Book here](#). **Refreshments at 5 pm, lecture at 5.30.**

Wednesday 3 July: London Lecture – Norman Doe on *The unifying effect of Christian Law for Ecumenism*. [Book here](#). **Refreshments at 5 pm, lecture at 5.30.**

Tuesday 16 July: Northern Province lecture – Bishop Nick Baines on *The Function of Ecclesiastical Law in Effective Parochial Ministry*. [Book here](#). **Drinks at 5 pm, lecture at 5.30.**

Wednesday 18 September: London lecture – Sir Philip Mawer on the role of the Independent Reviewer under the Declaration on the Ministry of Bishops and Priests (Resolution of Disputes Procedure) Regulations 2014. [Book here](#). **Refreshments at 5 pm, lecture at 5.30.**

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](#).
Drinks at 5 pm, lecture at 5.30.

Saturday 28 March 2020: The Society's day conference – *Synodical Government: Fit for Purpose?* The conference, to be held at the Minerva House offices of Winckworth Sherwood, will mark the centenary of the entry into force of the Church of England Assembly (Powers) Act 1919. Speakers will include Archbishop of York, Patron of the Society, the Bishop of Cork, Cloyne and Ross, the Bishop of Willesden and the Ven Jane Steen, Archdeacon of Southwark.
10 am till 4 pm.

Lectures are held at the offices of 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.

THE SOCIETY'S RESIDENTIAL CONFERENCE

The Residential Conference on the theme of *Church and State in the Twenty-first Century* took place at Cumberland Lodge, Windsor, between 5 and 7 April.

The conference opened with papers by Norman Doe and Colin Podmore comparing the experience of the Church of Wales and the Church of England over the last hundred years:



the disestablishment of the former and the development of the modern system of synodical government in the latter. Malcolm Brown then offered some theological reflections on the notion of establishment in relation to the Church of England, suggesting that it offered a better approach to healing the cultural divisions revealed by the Brexit referendum than reliance on simple majoritarianism. Robert Blackburn followed with a very comprehensive outline of the constitutional context of Church-State relations. William Fittall then gave us a series of fascinating reflections on establishment from the perspective of Parliament and Government, both as a former senior civil servant and as a former Secretary General of Synod. Paul Goodliff and Imam Monawar Hussain then offered their experiences from the Free Church and Muslim perspectives and Grace Davie brought the whole thing together with her reflections on the benefits of 'weak' establishment in a rapidly-changing society.

After an excellent conference dinner on the previous evening at which he made the after-dinner speech, on Sunday morning the recently-retired Bishop of Norwich, Graham James, returned to the theme of the conference with a look at establishment from the point of view of the parish – which, after all, is where most people, whether Anglican or not, actually experience it. Then, at the conclusion of the conference, many of the participants attended a service of readings and music for Passiontide at the Royal Chapel in Windsor Great Park which was attended by Her Majesty the Queen, who chatted briefly with several members afterwards.

All in all, a fascinating conference. I can't wait to see the papers published. [FC]

THE SOCIETY'S AGM

At the Annual General Meeting, the Society elected the Rt Revd Christopher Hill as its new President, in succession to Sheila Cameron, who had decided that the time had come to stand down. Sheila surrenders the Presidency with the assurance of the respect, affection and thanks of every member of the ELS.

This was the last AGM of the unincorporated charity established in 1987, as it transitions into a Charitable Incorporated Organisation (CIO). The current Officers and Committee will continue as the Officers and Trustees of the new CIO and next year's AGM will be the first of the new organisation. [FC]

CANON JOHN REES REMEMBERS CAROLINE MOCKFORD

Caroline Mockford's sudden death at the age of 57 on 5 March has rocked the legal establishment of the Church of England. Although she had been in post as Provincial Registrar for the Archbishop of York for only three years, her impact both in the Northern Province and across the wider Church of England had been enormous. She was seen as a rising star in the ecclesiastical firmament. Hers was an unmistakable presence at every committee she attended, combining sage insight and calm advice with sparkling good humour. At her funeral service in York Minster on 22 of March, the Archbishop of York remarked on how her smile would light up any room.



She had practised law in Lincoln for many years, specialising in wills, probate, trusts and similar routine solicitors' practice before being appointed as Registrar to the Bishop of Lincoln. She held that post for 6 years, before moving to York in 2014, to become successively Registrar of the Diocese of York, and a year later Registrar of the Province. From 2017, she

held office as Registrar of Tribunals for the Northern Province, on occasion having to deal also with Southern Province matters. She held office as Secretary for the Convocation of York, which required her presence at General Synod meetings as well as on occasions when the Convocation met separately. Her predecessor, Lionel Lennox remarked on the very happy relationship she sustained with him during and beyond these various transitions, a major tribute both to her professionalism and to her personality.

In none of her ecclesiastical offices did she have an easy ride: shortly before she died, she remarked on the baptisms of fire she had experienced both in Lincoln and in York, sometimes occasioned by discipline cases, and on other occasions by apparently intractable disputes in congregations. She rapidly became the 'go-to' adviser for bishops and clergy across the Province, and her advice was relied upon by Archbishop Sentamu – who remarked at her funeral that she 'gave the law a warm human face. That is why I told her that her duty was not to tell me what I can't do. But rather to tell me what the law is so that I know when I am breaking it!'

She was greatly loved by colleagues in the law, as well as by clergy and others across the Church of England, many of whom felt privileged to have become friends. None of them, of course, will miss her as greatly as her husband of 27 years, Bob Kenyon – who remarked to one or two friends at her funeral that she had insisted on keeping her maiden name at the time of their marriage 'because I do not want to have to waste 10,000 sheets of my firm's headed notepaper by changing names now!'

She will be sorely missed, but we 'thank God for every remembrance' of his servant Caroline.
[John Rees]

JOHN LEWIS MEMORIAL LECTURE 2019

On 30 March, Dr Sarah White of St Andrews University delivered the twentieth John Lewis Memorial Lecture as part of the final LLM weekend of the Cardiff academic year. Her subject was 'Canon Law in the Thirteenth Century: Canterbury Advocates and Proctors', based on her research on the records of the thirteenth-century provincial Court of Canterbury – the earliest extensive collection of English ecclesiastical court records in existence. She focused on three individuals: Roger de Cantilupe, a lawyer from the 1240s, Richard de Clyve, a judge from the 1290s, and an unnamed lawyer, also from the 1290s. Although we know a considerable amount about legal education at the universities, the details of the men who studied and practised law are often less well known. Using the case records from the Court of Canterbury, Dr White highlighted elements of their careers: who they were, where they worked, and how they used their legal education.



Even to your editor, whose knowledge of canon law and of mediaeval legal history generally would together barely cover the back of a postage-stamp, her lecture was fascinating stuff. And the end-of-course dinner was excellent! [FC]

STATEMENT OF PRINCIPLES OF CHRISTIAN LAW

On 16 March, Norman Doe had a private meeting in Istanbul with His All Holiness Bartholomew, Ecumenical Patriarch of Constantinople and senior bishop of the worldwide Orthodox Church, to discuss the work of an ecumenical panel of religious leaders, jurists and theologians convened by Mark Hill QC since 2013 and the Panel’s *Statement of Principles of Christian Law* (later published at (2017) 19 *Ecc LJ* 138-155) – which was initially drafted by Norman. Patriarch Bartholomew welcomed the *Statement* as a “means of unity and collaboration” between Christians of different traditions. It is being fed into the work of the World Council of Churches and its Faith and Order Commission, which established a partnership with the Panel at Geneva in 2017. [Norman Doe]



AND FINALLY...

I took over the editorship of this *Newsletter* in September 2017 as a stop-gap with the intention of doing the job for about six months while a permanent editor was found – and this is now the eighteenth under my editorship. Quite apart from the danger of the publication getting into a rut, it’s high time I started handing over to someone else, simply in the interests of orderly succession-planning. So if there is anyone out there who has a taste for editorship, *please let Mark and me know*. It certainly need not be a clean-break handover – but I can’t go on for ever. [FC]

Frank Cranmer [frank.cranmer@centrallobby.com]

Mark Hill [Mark.Hill@ftbchambers.co.uk]
