



Ecclesiastical
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NEWSLETTER
of
THE ECCLESIASTICAL LAW SOCIETY

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DATES FOR THE DIARY

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.**

Wednesday 20 November 2019: St Mary-le-Bow – Professor Norman Doe on *The Court of Arches: Its Jurisdiction and Jurisprudence – Entirely Settled?* with a response by the Dean of Arches. Admission by ticket only, £6. [Book here](#). **Lecture at 6.05 pm, followed by a drinks reception.**

Saturday 28 March 2020: The Society's day conference – *Synodical Government: Fit for Purpose?* to be held at the Minerva House offices of Winckworth Sherwood, **10 am till 4 pm**. Speakers will include the Most Revd John Sentamu, Archbishop of York and Patron of the Society, the Rt Revd Christine Hardman, Bishop of Newcastle, the Rt Revd Paul Colton, Bishop of Cork, Cloyne and Ross, the Rt Revd Pete Broadbent, Bishop of Willesden, the Ven Jane Steen, Archdeacon of Southwark, and the Ven Alan Perry, Archdeacon of Edmonton, Canada.

London 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 BECOMES A CHARITABLE INCORPORATED ORGANISATION

At the end of June, the assets of the ELS (as an unincorporated association) were transferred to the newly-minted ELS Charitable Incorporated Organisation (CIO). It retains its charitable status but with a new number. It will continue with business as usual but with its own independent legal personality, separate from its members and trustees. I think the founding fathers (and mothers) who gathered in Corpus Christi College, Cambridge in 1987 will be thrilled that the modest club they brought into this world has survived for nearly four decades and has been so successful that it now feels the need to become incorporated. To paraphrase the words uttered on events of similar national importance: “the ELS is dead, long live the ELS!”

Thanks are due to the governance team and its leader Lizzie Wilson for navigating us through the transition with patience and tenacity. [*The Chairman*]

CHURCH REPRESENTATION AND MINISTERS MEASURE 2019

The Royal Assent to the [Church Representation and Ministers Measure](#) was [signified](#) on 4 July. The operative provisions of the Measure will come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes. [FC]

CIVIL PARTNERSHIP IN ENGLAND & WALES

The Government has published [Implementing Opposite-Sex Civil Partnerships: Next Steps](#), in which it declares at para 34 that it intends ‘to provide protections to ensure that faith or religious organisations are not compelled to act in a way that would be in contravention of their beliefs’ – though it begins, somewhat curiously, by setting out the ‘quadruple lock’ in relation to same sex marriage (para 36) and presents it as a statement of principles. Further, ‘following discussions with a number of faith groups’, the Government intends to ‘provide similar protections for civil partnerships. This will allow religious groups to choose whether to host civil partnerships only for same-sex couples, only for opposite-sex couples, for both, or not to host civil partnerships at all’ (para 37). [FC]

FACULTY JURISDICTION (AMENDMENT) RULES 2019

The July Synod agreed [the Faculty Jurisdiction \(Amendment\) Rules 2019](#). Various procedural changes have been made; but of greater significance are the revisions to Lists A and B in response to comments from around the Dioceses. The amendments will come into effect on 1 April 2020. The Explanatory Notes are [here](#). [MH & FC]

IICSA

The Independent Inquiry into Child Sexual Abuse has been holding two weeks of public hearings, from 1-12 July, on its Anglican Church investigation. The transcripts of the hearings are available [here](#). [FC]

JURIDICAL ECUMENISM

On 20 June, Churches Together in England hosted a day exploring the ways in which church law, rules and conventions might converge to deepen ecumenical endeavours. The meeting, at which the keynote speaker was Norman Doe, looked at the work done so far by the Christian Law Project and the set of principles that has already been published – with wide ecumenical convergence – and at the ways in which juridical ecumenism might contribute to unity and mission. Bet Holmes, from the International Ecumenical Fellowship, has posted an interesting summary of the day on CTE’s website, [here](#). [FC]

LAW COMMISSION: REVIEW OF WEDDING LAW IN ENGLAND & WALES

At the end of June, the Law Commission announced the **Terms of Reference** for its review of wedding law in England and Wales. The project will:

- consider where a wedding should be able to take place;
- consider how to remove unnecessary ‘red tape’ that can ‘hamper choice and increase the cost of wedding venues’;
- aim to ensure that the law works for all couples and all faiths, including those who are not as well served by the current buildings-based system; and
- seek to make the law simpler and more certain, so that it is clear whether or not a couple’s marriage is legally valid.

The remit for the project includes developing a scheme that would allow independent celebrants and non-religious belief groups such as humanists to conduct weddings, enabling the Government to widen the routes to legally-binding ceremonies should it choose to do so.

Among the various matters that the review will *not* be considering is the common law duty on the Church of England and the Church in Wales to marry parishioners. [FC]
