



Ecclesiastical
Law
Society

NEWSLETTER
of
THE ECCLESIASTICAL LAW SOCIETY

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DATES FOR THE DIARY

Wednesday 29 January 2020: Northern Province Lecture: HH Peter Collier QC, Chancellor of the Diocese of York *Safeguarding: From Ball and Banks to Beech via Bell*. [Book here](#). **5.30 till 7 pm.**

Wednesday 19 February: London Lecture: Rt Worshipful Charles George QC, Dean of Arches and Auditor, on *Do we still need the Faculty System?* – reprise of the Northern Province lecture on 6 November 2019. [Book here](#). **5.30 till 7 pm.**

Friday 13 March: Regional training day (Leeds): *You couldn't make it up! Good Governance in Parochial Ministry* – to be held at the Leeds Diocesan Office, 17-19 York Place, Leeds, LS1 2EX: **10.30 am till 3.30 pm**: cost including lunch, £25.00 for ELS members: £30.00 for non-members. [Book here](#). To be led by members of the ELS Education Team, which includes:

Simon Baker, Chair of ELS Education, Norman Boakes, former Archdeacons' National Executive Officer, Andrea Russell, Queen's Foundation, Birmingham, Louise Connacher, Acting Provincial Registrar, Stuart Beake, former Archdeacon of Surrey, Stephen Borton, Ecclesiastical Manager Lee Bolton Monier-Williams and Teresa Sutton, Sussex University.

Saturday 28 March: 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**: cost including lunch, £35 for members, £45 for non-members. 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. [Book here](#).

Wednesday 8 April: London Lecture: Chancellor Mark Hill QC, Chairman of the Society, on *The Faculty Jurisdiction (Amendment) Rules 2019: All Change?* [Book here](#). **5.30 till 7 pm.**

Thursday 25 June: Northern Province Lecture: Rt Revd Dr Helen-Ann Hartley, Bishop of Ripon, on *Law and life in the Anglican Communion*. [Book here](#). **5.30 till 7 pm.**

Wednesday 7 October: London Lecture: William Nye, Secretary General of the General Synod and Archbishops' Council, on *The Church of England: Some Personal Reflections on Structure and Mission*. [Book here](#). **5.30 till 7 pm.**

Wednesday 18 November: Northern Province Lecture: Kate Davey, on a subject to be announced. **5.30 till 7 pm.**

Wednesday 25 November: London Lecture – Revd Dr William Adam, Archbishop of Canterbury's Ecumenical Adviser and Director of Unity, Faith and Order for the Anglican Communion, on *Communion and Jurisdiction*. [Book here](#). **5.30 till 7 pm.**

London Lectures are held at the offices of Winckworth Sherwood, Minerva House, 5 Montague Close, London SE1 9BB. Lectures start at 5.30 and end at 7 pm.

Northern Province Lectures are held at the offices of the Diocese of Leeds, 17-19 York Place, Leeds, LS1 2EX. Lectures start at 5.30 and end at 7 pm.

At both venues, you are invited to arrive from 5 pm onwards and stay after the lecture for refreshments.

FROM THE CHAIRMAN: THE ADMINISTRATION OF THE SOCIETY

A while ago, Andrew Male, our loyal and industrious administrator, expressed to scale down the extent of his work in support of the Society. Anxious not to lose his experience and expertise, the Committee endorsed the suggestion that for the next eighteen months or so Andrew will continue with the 'back of house' role of book-keeping and membership, and that we find another individual to service the Committee and to facilitate the 'front of house' activities of the Society, particularly conference planning and supporting the work of the education committee. We are delighted to have recruited John Ford to assume this latter task. John will be known to many in the Society, having served in parish ministry in Southwark diocese followed by periods as missionary and residentiary canon in Chichester diocese, then as Bishop of Plymouth. John has just retired back to England after serving as Bishop of The Murray in Australia. We welcome John and are pleased not to be losing Andrew. The handover is currently under way and the two will work in tandem from the beginning of January. Their complementary talents will be put to good use, and the dual role is indicative of the growing reach and influence of the Society.

This is a robust interim arrangement. The Committee is actively engaged in exploring the most effective way of administering the Society in the medium to long term and I would welcome observations from members to inform the Committee's strategic thinking. [MH]

CHURCH REPRESENTATION RULES 2020

The Church Representation Rules 2020 are now **available** from Church House Publishing. They are also available online as **Schedule 1** to the **Church Representation and Ministers Measure 2019**. They come into force on **1 January 2020**.

The *current* Rules, in force until the end of 2019, are available on the Church of England website at **Church Representation Rules online**.

FACULTY JURISDICTION (AMENDMENT) RULES 2019

The **Faculty Jurisdiction (Amendment) Rules 2019** come into force on **1 April 2020**.

ECCLESIASTICAL JUDGES, LEGAL OFFICERS AND OTHERS (FEES) ORDER 2019

The **Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2019** comes into force on **1 January 2020**.

PARISH VACANCIES

The Society's website has a new page of [links to useful materials on the law of parish vacancies in the Church of England](#). [Teresa Sutton]

SAFEGUARDING IN THE CHURCH OF ENGLAND

On 22 November, the Church of England **announced** the appointment of safeguarding consultant Jane Humphreys as the independent reviewer into its handling of the allegations relating to the late Revd Trevor Devamanikkam. The Terms of Reference are not yet available, but the Church hopes that the review 'will be completed and published during 2020.' [FC]

RE ALL HALLOWS ORDSALL

In *Re All Hallows Ordsall* [2019] ECC S&N 1, the petitioner sought a confirmatory faculty in respect of the cremated remains of her husband: they had already been exhumed with a view to their subsequently being scattered, following the issue by the Ministry of Justice of a licence *which should not have been issued at all, because the remains had been interred in consecrated ground*.

Ockelton Ch granted a faculty: 'Refusing a Faculty would certainly be justified in principle, but would serve no useful purpose, and would cause and maintain offence. Granting a Faculty would render lawful what has so far been unlawful; and would regularise the present situation, which there is in any event no practical possibility of changing.' He also pointed out that, at the time of writing his judgment, the form of application for a licence and the guidance notes on the MoJ website were out of date, following changes to the law *in 2015*. [Ray Hemingray]

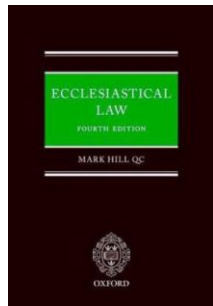
NORMAN DOE ON THE COURT OF ARCHES

On 20 November, Professor Norman Doe delivered a lecture on '*The Court of Arches: Its Jurisdiction and Jurisprudence – Entirely Settled?*', appropriately at St Mary-le-Bow, followed by a Response from the Dean of the Arches. Norman presented a wide-ranging and comprehensive review of the development of the scope of the work of the Court, the associated legislation and some of the more notable Deans and commentators.

Responding, Charles George recalled the more recent history of the Court and its (now restricted) appellate function. He also took the opportunity to rebut the suggestion that the Court had



been *ultra vires* in its consideration of *Re Blagdon Cemetery* [2002] Fam 299 which, it had been claimed, addressed an issue of doctrine. As a *segue* to the event, Charles is delivering the next ELS London Lecture, 'Do we still need the Faculty System?', on 19 February: see above. [David Pocklington]



HILL'S ECCLESIASTICAL LAW – SPECIAL PAPERBACK 4TH EDITION

Copies of the fourth – and final – reprint of the special paperback version of the 4th edition of Mark Hill's *Ecclesiastical Law* are still available: £40 from the Ecclesiastical Law Society, inclusive of postage and packing. The offer is only open to members of the Society or of the General Synod of the Church of England. You can order it [here](#).

AND FINALLY ... SOMETHING FOR BOXING DAY

David Pickup has kindly contributed a short Christmas Quiz:

Is it legal:

1. To shoot pheasants in the churchyard on Christmas Day?
2. To arrange a men-only curry club for the church?
3. To put up a 'No dogs' sign in the graveyard?
4. To sell raffle tickets in church for the village fete?
5. To cut the church hedge in April?
6. Your congregation gets bored in sermons and some watch *Songs of Praise* on their smartphones. Do they need a TV licence?
7. To lock the church door during a service because it keeps blowing open?
8. To plant a Christmas tree in the churchyard?
9. To marry your widow's sister?
10. Your congregation is generous but likes to deal in cash. Can you pay the parish share in 1ps and 2ps?



AND A HAPPY CHRISTMAS TO ALL!
