



Ecclesiastical
Law
Society

NEWSLETTER
of
THE ECCLESIASTICAL LAW SOCIETY

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Editor: Frank Cranmer
frank.cranmer@centrallobby.com

Administrator: Andrew Male
admin@ecclawsoc.org.uk

Executive Secretary: John Ford
execsec@ecclawsoc.org.uk

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.**

Chancellor Collier describes the lectures as: "A review of the development of safeguarding policy and practice in the Church of England against the background of what was happening in the wider world during my life in practice at the Bar and on the Bench in the areas of crime and child care (1970 to 2018). Also, a look at possible ways forward that will enable appropriate risk assessments in the absence of criminal convictions. And wither the CDM in all this?"

The lecture is open to members and non-members. Booking through the website closes 48 hours before the event (or it is full), but please contact the Administrator for late availability requests.

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, barrister and trustee of The Victorian Society, on *Victorian architecture, the amenity societies and the parish church – a compatibility guide*. [Book here](#). **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.

THE CHAIRMAN'S NEW YEAR MESSAGE

By custom and practice, the Chairman's New Year message is composed in some exotic location. And this year is no exception as I find myself in Manchester for my godson's wedding.

The past year has been highly significant for the Society, marking its transition from an unincorporated association to a CIO. This has been complex and labour intensive, but the fact of incorporation renders the Society more robust to carry out its charitable objective – promoting education in ecclesiastical law.

We have seen changes in personnel with Stephen Conway becoming Vice-Chairman; Christopher Hill, President; and John Ford, executive secretary. And I am pleased to acknowledge the Society's debt to John Rees, Sheila Cameron and Andrew Male, as well as noting the Society's pleasure at the conferral of a CBE on Stephen Slack in the New Year's honours.

The work of the Society continues at full pace with a Northern Province Lecture on 29 January, when Peter Collier will address the complex and topical subject of safeguarding. And on 28 March we gather in Southwark for our annual conference featuring a keynote address from one of our patrons, the Archbishop of York. For our full programme of activities, see the website.

I want to record my personal thanks to all those who have contributed to the success of the Society in 2019, too numerous to mention individually. The Society is now more active than at any time in its history, with its largest ever membership. But to resource our expanding workload we need still more members. I ask each one of you, please, to use the opening weeks of 2020 to recruit a new member to the fold. This way, our membership will double, as will our revenue. And the outreach of the Society can be assured for the years ahead as a service to the Church of England, the Anglican Communion worldwide, and to all those who practise or study ecclesiastical law.

With my continuing thanks and with my best wishes for a peaceful and prosperous 2020.

Mark Hill

CHURCH OF ENGLAND: CHURCH REPRESENTATION RULES 2020

As noted in last month's Newsletter, the Church Representation Rules 2020 which became available last month came into force on 1 January. The text of the Rules is now available on the Church of England website, [here](#), together with [an introduction](#). [FC & David Pocklington]

CHURCH IN WALES: CHURCHYARD REGULATIONS 2020

The [Churchyard Regulations 2020](#) of the Church in Wales came into force on **1 January**. [FC]



Appointment of Diocesan Registrar – Diocese of London

Due to the retirement of the current Diocesan Registrar, the Bishop of London is seeking to appoint a solicitor with good interpersonal skills and proven legal competence to be her Diocesan Registrar with effect from Summer 2020.

The Diocese of London is diverse and dynamic, covering 18 boroughs in Greater London and Surrey north of the Thames, and serving over four million people.

The Diocesan Registrar is expected to provide advice and services covering a wide range of matters and to do so through a network of personal relationships at all levels across the Diocese, including regular contact with the Bishop, Senior Staff, London Diocesan Fund staff and parishes.

Separately the London Diocesan Fund and parishes may contract the services of the Registrar's firm for legal advice and work acting as a solicitor and not the Registrar. This appointment is for a named individual but it is anticipated that the person appointed will work within a medium-sized firm capable of providing cover during periods of leave and with access to advice in other areas of the Diocese's work or will be able to provide this service in other ways.

The Diocesan Registrar will be a qualified solicitor in good standing and will be a communicant member of the Church of England.

Contact Sarah Walters (sarah.walters@london.anglican.org, 020 7932 1211) for further details on the appointment and how to apply.

Applications close at **3pm, Tuesday 18th February 2020**.
Interviews will be held on Tuesday 31st March.

UNWANTED BOUND VOLUMES OF THE *JOURNAL* ON OFFER

Andrew Male has received the following e-mail:

"I have a set of bound copies of the journal Vol.1 1987-89 through to Vol.20 2018 which I am happy to offer to any individual or library which might like to have them.

I do not want any payment, save the cost of dispatching them if the recipient was unable to collect them personally from my home in Hove, East Sussex. My contact details are:

e-mail: theheads15mc@talktalk.net

phone: 01273 554464

collection address: 15 Meadow Close, Hove, BN3 6QQ

Yours sincerely,

John Head"

AND FINALLY ... DAVID PICKUP'S CHRISTMAS QUIZ: THE ANSWERS

Is it legal:

1. To shoot pheasants in the churchyard on Christmas Day? According to the Game Act 1831, 'No game may be killed or taken in any county on Sunday or Christmas Day'. 'Game' for the purposes of this section means pheasant, partridge, red grouse, black grouse and hare. So no shooting except after the midweek service.

2. To arrange a men-only curry club for the church? There is a complicated answer this one. According to the Equality Act there is an exception to the law which 'allows an organisation... to impose restrictions on membership of the organisation; participation in its activities; ... However, any restriction can only be imposed by reference to a person's religion or belief or sexual orientation. In relation to religion or belief, the exception can only apply where a restriction is necessary to comply with the purpose of the organisation or to avoid causing offence to members of the religion or belief whom the organisation represents.' It is difficult to see how a men-only curry would fit this; however, men do not normally join anything to do with church – so do not worry.

3. To put up a "No dogs" sign in the graveyard? You can – but it is unlikely to have much effect. Councils can use a public spaces protection order (PSPO) to place restrictions on a public area, such as a park. Restrictions can apply to all dog owners. However, a graveyard may not be a public area.

4. To sell raffle tickets in church for the village fete? If you are planning to sell tickets to the public prior to the event and the proceeds (from ticket sales) for a single draw are not anticipated to exceed £20,000 then you must register with your local authority as a 'small society lottery'.

5. To cut the church hedge in April? Under s.1 of the **Wildlife and Countryside Act 1981**, it is an offence intentionally to damage or destroy a wild bird's nest while it is being built or in use. That includes consciously using a hedge trimmer when there is a bird's nest in your hedge and, in the process of doing so, causing the nest to be damaged or destroyed. For this reason, bird conservation organisations such as the **RSPB** recommend that you do not use hedge trimmers between March and August.

6. Your congregation gets bored in sermons and some watch "Songs of Praise" on their smartphones. Do they need a TV licence? If they are using mobile devices powered solely by their own internal batteries – like a smartphone, tablet or laptop – they will be covered by their home's TV Licence.

7. To lock the church door during a service because it keeps blowing open? There was legislation that outlawed Nonconformist chapels having meetings behind closed doors. As every parishioner has a right to attend public worship, this would appear to conflict with locking doors. It is also a fire hazard.

8. To plant a Christmas tree in the churchyard? Under List B, regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards. We are enjoined to think carefully before adding more trees to our churchyards and not to forget to consult the archdeacon. There is a list of factors to think about – so better not.

9. To marry your widow's sister? It is, as far as I know, legal – but it's impossible because if you have a widow, you're dead.

10. Your congregation is generous but likes to deal in cash: can you pay the parish share in 1ps and 2ps? 1p and 2p copper coins are only legal tender for amounts not exceeding 20p. The phrase "legal tender" has a very narrow and technical meaning in the settlement of debts. You could pay them into your bank account but offering them to the diocese may be politely declined.

AND A HAPPY NEW YEAR TO ALL!
