



Ecclesiastical
Law
Society

NEWSLETTER
of
THE ECCLESIASTICAL LAW SOCIETY

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VIRTUAL DAY CONFERENCE

**“THE SOLEMNIZATION OF MATRIMONY: PAST, PRESENT
AND FUTURE”**

ANNUAL GENERAL MEETING

The Ecclesiastical Law Society will meet virtually on **20 March 2021** for its Annual Conference which will consider issues concerning the solemnization of marriage. These will include the covenantal and contractual nature of marriage from an historical perspective; the legalities of marrying in accordance with the rites of the Church of England today whether by banns or licence; and the proposals for reform emerging from the Law Commission’s ongoing review of marriage law in its Weddings Project. There will also be an exploration of the pastoral opportunities arising from Anglican weddings.

The **Annual General Meeting** will be held at the same time, further details about which will be sent by email. [Book here](#).

DATES FOR THE DIARY 2021

New lectures since the last edition of this Newsletter are in square boxes.

Wednesday 24 February 2021

Paul Morris Esq, Sometime Registrar, the dioceses of London and Southwark
Landmark events in Ecclesiastical law during four decades—reflections by a former Registrar. [Book here.](#)

Saturday 20 March 2021

Virtual Day Conference and Annual General Meeting (see p.1, above). [Book here.](#)

Wednesday 21 April 2021

The Worshipful John Bullimore, Chancellor of the Dioceses of Blackburn and Derby
Best practice in the consistory court and other bits, some guidance from a retiring Chancellor. [Book here.](#)

Wednesday 12 May 2021

Dr Eve Poole, Third Church Estates Commissioner
Regulation and governance under the new Cathedrals Measure: the start of a new Chapter? [Book here.](#)

Wednesday 16 June 2021

The Rt. Rev'd Christine Hardman, Bishop of Newcastle
The importance of ecclesiastical law in facilitating the mission of the Church. [Book here.](#)

Wednesday 15 September 2021

The Rt. Worshipful Morag Ellis QC, Dean of the Arches and Auditor
Clean and green—law and the carbon neutral Church. [Book here.](#)

Wednesday 20 October 2021

A joint lecture by the Rev'd Stephen Coleman (Assistant Director of the Cardiff Centre for Law and Religion) and the Rev'd Russell Dewhurst (Chair of the ELS Communications Committee). *The Canons of the Church of England—reflections on some fundamentals of ecclesiastical law.* [Book here.](#)

Wednesday 17 November 2021

The Rt. Worshipful Peter Collier QC, Vicar General of the Province of York
50 years of Safeguarding—950 years of Clergy discipline: Where do we go from here? [Book here.](#)

*All lectures, until further notice, will be held remotely.
Please see the individual booking pages for more information.*

NEWS



Louise Connacher, Principal Registrar of the Province of York delivered a virtual lecture in January 2021, on “First impressions from a new Provincial Registrar”. To view the lecture, [click here](#).

Studying the Principles of Canon Law

The ELS is establishing a number of virtual reading groups, to run between February and September 2021. Each reading group will study the Principles of Canon Law Common to the Churches of the Anglican Communion in the context of the law of particular provinces or national churches from across the Communion. The groups will be for the edification of the participants, to strengthen Anglican bonds, and to provide the opportunity for a voyage into ecclesiology.

For the second part of the project, from September 2021, the Centre for Law and Religion at Cardiff University will convene a drafting group to propose revisions to the Principles. The ELS groups will therefore provide essential input to a task of considerable significance. For more information, and learn how to be involved, [click here](#).

Ecclesiastical Prize Moot 2021—Nottingham Law School

Jack Stuart, a paralegal at Nottingham Law School Legal Advice Centre, and former BPTC student, provides a report on the success of the inaugural Nottingham Law School Ecclesiastical Prize Moot

This event was a particular passion project of mine. For some time, I had lamented the lack of any live mooting forum to breathe life into this area of law for the next generation of lawyers. A review of recent history showed that there was an Inter-Inn moot some years back which touched on ecclesiastical law, yet there has never been a purely ‘ecclesiastical law moot’ devoted to this area.

I was happy to change this! On 21 January 2021, we at Nottingham Law School were very proud to host the country’s first ever Ecclesiastical mooting competition. It was held virtually, with four law students from Nottingham Law School’s Mooting Club participating as Counsel in a fictional appeal (drafted by myself) from a Bishop’s Disciplinary Tribunal. I took the chair as Dean of the Arches.

The “case” itself engaged interesting jurisdictional questions. It concerned a former Anglican priest who had fraudulently claimed a deceased parishioner’s sizeable donation for himself, before leaving his Anglican ministry to become a Roman Catholic priest. His past crimes later caught up with him, however, when the Roman Catholic court put him on trial. Some time later, the priest’s former Anglican bishop brought their own misconduct proceedings.

Could this priest now be tried under English ecclesiastical law? This was the key question in the appeal, and mooters captivated the audience with arguments about the history of Roman Catholic law’s status in England, its less-than-smooth repudiation, and its current treatment compared with the national law of our Anglican Church. There was also close scrutiny of the statutes governing how former Anglican priests extricate themselves from English ecclesiastical jurisdiction.

I was delighted that the Ecclesiastical Law Society could sponsor this event, and I am extremely grateful to the Society—especially its Chairman, Mark Hill QC—for their support and for providing prizes for our winner. My sincerest thanks also go to the NLS mooting club—especially Danielle St Clair, Nottingham’s master of the moots—for supporting me in setting all this up. Last but not least, credit must go to our mooters, both postgraduates and undergraduates, who grappled with some complex law with both alacrity and skill. Particular congratulations go to Owen Sparkes, BPTC student at Nottingham Law School, who took the winning spot with his considered and well-tempered submissions.

The turnout was fantastic, with high numbers of local students and academics tuning in to watch. Several audience members wrote to us after the event, praising the standard of our mooters and our collective exhibition of this often-neglected field. Following this success, there is talk of an annual religious moot in the Nottingham pipeline, which would be perfect for a regular showcase of the many hot topics this area has to offer. So, watch this space...

Legislation update

Under the provisions of the Charities (Exception from Registration) Regulations 1996, as amended, the congregations of certain denominations in England & Wales are not required to register with the Charity Commission if their income is below £100,000. The Regulations were due to lapse on 31 March 2021; however, the **Charities (Exception from Registration) (Amendment) Regulations 2021**, which were laid before Parliament on 19 January, extend the exception for a further ten years until 31 March 2031. They will come into force on 31 March unless annulled by a Resolution of either House of Parliament.
