



Ecclesiastical  
Law  
Society

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**NEWSLETTER**  
of  
**THE ECCLESIASTICAL LAW SOCIETY**

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**ELS DAY CONFERENCE**  
**Saturday 2 April 2022**



On Saturday 2 April 2022, the ELS held its annual conference and AGM. The topic of the conference was Accidents of Ecclesiastical Governance: Past, Present and Future?, and it took place at St Alban's Church, Holborn. The Society is grateful to the Vicar, Fr Christopher Smith, for hosting us at the church.

Read on for an account of the day conference and AGM, and also some personal reflections from a first-time attendee!

# NEWS & NOTICES

## ANNUAL MEMBERSHIP RENEWALS

Emails are being sent to all ELS members about annual membership renewals, due on 1 July 2022, using our new Mailchimp mailing system. If you don't receive an email by the end of the week, please check your spam filters and junk mail, or contact us for help. See [here](#) or [email](#) our finance officer, Stephen Hogg.

## ECCLESIASTICAL LAW MOOT

The Inner Temple Mooting Society in conjunction with the ELS is delighted to announce the return of the Ecclesiastical Law Moot. This year, 16 competitors will be taking part, starting with a virtual first round on 13 June 2022 judged by Inner Temple's Master of Mooting Mark Hill QC and the Worshipful Ruth Arlow, Chancellor of the Diocese of Salisbury.

The four most successful mooters will compete in the final on 2nd July 2022 at Temple Church. We are delighted to have Morag Ellis QC leading a panel of three judges for this event.

Members of The Ecclesiastical Law Society are warmly invited and encouraged to attend the final, to witness the display of talent amongst the next generation of Ecclesiastical advocates. Please arrive from 10.30 to allow the moot to begin promptly at 11.00.

More information available [here](#).

## **POSTPONED - CHANCERY COURT OF YORK LECTURE**

***In the light of the impending rail strike, the difficult decision has been taken to postpone the lecture by Professor Norman Doe planned for Thursday 23 June at York Minster. It is hoped to reschedule the lecture for September. When the date is confirmed information will be posted on the ELS website.***

## ELS DAY CONFERENCE - REPORT

On Saturday 2 April 2022, the ELS held its annual conference and AGM. The topic of the conference was *Accidents of Ecclesiastical Governance: Past, Present and Future?*, and it took place at St Alban's Church, Holborn. The Society is grateful to the Vicar, Fr Christopher Smith, for hosting us at the church.



The day began with a fascinating lecture by Professor Norman Doe on the historical development of the Church of England's constitution, especially in the writings of the church's lawyers. Later in the morning, the Rt Revd Pete Broadbent brought things up to date with stimulating reflections on the current workings of General Synod, and some thought-provoking questions and proposals. To both these papers, and throughout the day, the Revd Professor Alison Milbank provided insightful theological responses and reflection.

After lunch, the Society held its AGM, chaired by Elizabeth Wilson, chair of the ELS. The Revd Paul Benfield was elected as treasurer, and the Rt Revd Martin Warner as vice-chair. Elected as trustees were the Worshipful Ruth Arlow, the Ven Moira Astin, Paul Barber, the Revd Stephen Coleman, and Frances Godden.

A wide-ranging plenary session followed, chaired by the Society's President, the Rt Revd Christopher Hill, with shorter papers and contributions from the floor.



The day concluded with Choral Evensong in church, sung by St Alban's choir.

*It is expected that a full report of the day will be published in the Society's Journal in due course. Many thanks are due to all the speakers and those involved in planning the day so effectively.*

## **ELS DAY CONFERENCE – PERSONAL REFLECTIONS**

*Ed Day, ordinand, writes about his first experience attending an ELS conference.*

In April, although having been a member of the Ecclesiastical Law Society for a couple of years, I for the first time attended the annual conference and AGM in person at St Alban's, Holborn. The title for this year's conference was the intriguingly enticing, if a little delphic: 'Accidents of Ecclesiastical Governance: Past, Present, and Future?'

Beginning, as one would rightly expect, with the past, Professor Norman Doe delivered a fascinating and detailed paper on the history of the expression and presentation of the Church of England's constitution. Professor Doe began with early modern thinkers and jurists such as Richard Hooker and energetically brought the conference through the centuries with the use of seminal figures including Richard Grey, Richard Burn, Sir Robert Phillimore, and A. C. Dicey. Now in the present, Bishop Pete Broadbent – using his practical episcopal experience over the past two decades – spoke on the present challenges posed to synodical governance and the work of the Renewal and Reform Programme. Both papers were followed by theological reflections from Professor Alison Milbank, who provided food for thought and prompted discussion between panel members and those in attendance; making for an entertaining and lively plenary session to conclude.

The conference, as a whole, eruditely considered the practical future of the Church of England's structures as well as local mission and ministry within the Church. The topicality and relevance of the discussions has provided me with even more confidence in the utility of studying ecclesiastical law for the benefit of the Church's mission. Not only was I provided with a vital consideration of the Church's immediate future from a legal perspective, but I have come away with ample ammunition for the next, inevitable, debate in the common room of my theological college.

## CANON LAW AT CUDDESDON



In May, the ELS delivered an introduction to canon law for students at Ripon College Cuddesdon who are soon to be ordained.

The teaching was very well-received, and the most frequent comment on the evaluation forms was a desire that the sessions could have been longer!

Thank you to the Principal, Bishop Humphrey Southern (*pictured, middle, with the Revd Stephen Coleman, left, and the Revd Russell Dewhurst right*), for a warm welcome.

We'll be visiting at least two more TEIs in June, and we hope to expand this offering to more Colleges and Courses in future years.

## LYNDWOOD LECTURE 2022



On 22 March, the Ecclesiastical Law Society and the Canon Law Society of Great Britain and Ireland gathered for the Lyndwood Lecture 2022. This biennial event had been postponed from 2020 because of the pandemic, so it was very good finally to be able to meet together again and to hear the lecture.

The Revd James Conn SJ, Superior of the Casa Santa Maria in Rome, spoke on the topic "Clergy Discipline in the Catholic Church: Highlights of the new penal law of the Code of Canon Law."

Fr Conn's magisterial lecture covered the new Book VI of the Code, giving an expert description of its provisions, setting it into its wider canonical context, and raising some questions for future research or discussion.

The lecture was introduced by the Revd Frank Bradley, President of CLSGBI, and the Revd Stephen Coleman, trustee of the ELS, gave the vote of thanks. The Lyndwood Lecture is one institution that brings together Roman Catholic and Anglican canon lawyers, both of which traditions were represented in the audience for the lecture.

Sadly, the ongoing effects of COVID meant that some people who had planned to attend were unable to do so. Fortunately, the church of All Hallows by the Tower, our hosts, livestreamed the lecture. As well as those present in London, over 250 viewers joined the lecture from all over the world. Questions were taken not only from those present but also, via Twitter, from those watching online. Both societies are most grateful to All Hallows' for making this possible.



A recording of the lecture can be seen online [here](#).

# LEGISLATION UPDATE

## Charities Act 2022: implementation

On 13 April, DCMS published an [implementation plan](#) for the [Charities Act 2022](#). It expects the following sections to be brought into force in autumn 2022:

- Section 4: Power to amend Royal Charters.
- Section 5: Orders under section 73 of the Charities Act 2011.
- Sections 6 and 7: *Cy-près* powers.
- Section 8: Power of the court and the Commission to make schemes.
- Sections 15 and 16: Ex gratia payments.
- Section 30: Remuneration of charity trustees etc providing goods or services to charity.
- Section 32: Trustee of charitable trust: status as trust corporation.
- Section 36: Costs incurred in relation to Tribunal proceedings etc.
- Part of Section 37: Public notice as regards Commission orders etc.
- Part of Section 40 and Schedule 2: Minor and consequential amendments.

## UK COVID-19 Inquiry: terms of reference consultation outcome

Concerns were raised during the consultation process that the draft terms of reference for the UK COVID-19 Inquiry appeared to make no mention of the impact of restrictions on the manifestation of religion. Baroness Hallett, who is to chair the Inquiry, has recommended that “the impact on the mental health and wellbeing of the bereaved, including post-bereavement support” be included in the final terms of reference.

## Reform of charity law in Ireland

Given that the ecclesiastical boundaries in the island of Ireland do not follow the political boundary, it may be of interest that the Irish Government has published a [Charities \(Amendment\) Bill 2022](#). Its purpose is to update existing charity law to improve the ability of the Irish [Charities Regulator](#) to conduct its statutory functions and ensure greater public trust and confidence in the sector.

## And from another jurisdiction...

In May, the Church of Scotland’s General Assembly resolved by 274 to 136 to approve changing the current law to enable ministers and deacons to apply to become authorised celebrants for same-sex marriages, with safeguards in accordance with s.9 (1A) of the Marriage (Scotland) Act 1977. Following an initial decision by the General Assembly in 2021, the matter was sent down to presbyteries under the terms of the Barrier Act 1697: 29 presbyteries approved the proposal and 12 voted against. The Legal Questions Committee is to produce guidance to accompany the amended Church law. Further details in the Kirk’s [Press Release](#).

*Thanks as ever go to Frank Cranmer for these useful contributions.*

## Faculty Jurisdiction (Amendment) Rules 2022

A reminder that the [Faculty Jurisdiction \(Amendment\) Rules 2022](#) come into force on 1 July 2022. [The Explanatory Notes](#) produced for General Synod in February include a mark-up of the changes made to the Rules, and the Church Buildings Council has updated guidance on the Church of England [website](#) relating to the new net-zero carbon requirements.

## **DATES FOR THE DIARY 2022**

*ELS Lectures are free of charge and are open to members and non-members save where otherwise stated. Please note all of the lectures below are intended to take place in person at Winckworth Sherwood in London, unless otherwise indicated.*

### **Wednesday 2 September 2022**

Dr Renae Barker, Senior lecturer at the University of Western Australia Law School, and Advocate for the Anglican Diocese of Bunbury  
Beyond the Religious Discrimination Bill - Understanding the State-religion Dynamic in Australia  
Details [here](#). (**Online by Zoom**)

### **Wednesday 14 September 2022**

Worshipful David Etherington QC, Chancellor of the dioceses of London and Norwich  
*In Defence of the Chancellor*  
Details [here](#).

### **Wednesday 16 November 2022**

The Right Revd Stephen Conway, Bishop of Ely  
*Canonical perspectives on the teaching of sacramental theology for the Church of England today*  
Details [here](#).

*Where held in person, spaces are limited and prior booking (through the website) is essential. Booking closes 48 hours before the event (or when the event is full), but please contact the Executive Secretary [execsec@ecclawsoc.org.uk](mailto:execsec@ecclawsoc.org.uk) for late availability requests. If you find you can no longer attend, please cancel your booking to make the space available for someone else.*

## **And, in case you missed it...**

### **The Ecclesiastical Law Society on YouTube**

The *Ecclesiastical Law Society* has its own dedicated YouTube channel – you can sign up to subscribe and view past recordings of lectures and interviews [here](#).

Recent additions include:

#### **The context of Irish Disestablishment 1868-1871**

By the *Revd Robert Marshall*, Diocesan and Provincial Registrar of Dublin and Glendalough discussed. Recording available [here](#).

#### **The Church of Norway: Before and After its Separation from the State**

By *Andreas Henriksen Aarflot*, Senior Adviser in the Legal Department of the National Council of the Church of Norway, and Lecturer in Church Law at the MF Norwegian School of Theology, Religion and Society. Recording available [here](#).

#### **Good governance in parochial ministry**

This session considered: Good order as a fundamental part of our vocation; the Church Representation Rules 2020 including recent changes; PCC members as charity trustees. It was led by members of the ELS Training Sub-committee Team. Recording available [here](#).

#### **(Mis)adventures in Empire: The Colonial Bishops Fund and the Birth of the Worldwide Anglican Communion**

By *Dr Charlotte Smith*, Associate Professor in Law, University of Reading. Recording available [here](#).

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