



Ecclesiastical
Law
Society

NEWSLETTER
of
THE ECCLESIASTICAL LAW SOCIETY

No. 3/2022

September 2022

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ELIZABETH II 1926 - 2022

We open this edition of the Newsletter with a message of condolence from our Chair, Lizzie Wilson, and Executive Secretary, the Rt Revd John Ford.

Members of the Ecclesiastical Law Society mourn the loss of Queen Elizabeth the Second, who has been an inspirational Christian leader for as long as many of us can remember. May she rest in peace.

We pray for the whole Royal Family in mourning at this time, and especially for the King as he assumes the throne in this time of grief. God save the King.

Our prayer is that Queen Elizabeth's continuing discipleship will be brought to completion as she continues to follow in the footsteps of her Lord and Saviour into the loving arms of the One who made her for himself.

May our new King Charles III be inspired by the Spirit of God to exercise his discipleship as our new Monarch and bring to this calling his own God-given charisms.

God Save the King.

NEWS & NOTICES

ECCLESIASTICAL LAW MOOT 2022

The **Inner Temple Mooting Society** hosted the final of its **Ecclesiastical Law Moot** on Saturday 2 July 2022 at the Temple Church.



Gordana Balac of the Inner Temple Mooting Society reports.

The competition was kindly sponsored once again by the **Ecclesiastical Law Society**, with the assistance of the Right Worshipful Morag Ellis QC, Dean of the Arches, Auditor and Master of Faculties, and the Worshipful Mark Hill QC, former Chairman of the Ecclesiastical Law Society, Master of Mooting at The Honourable Society of the Inner Temple.



Sixteen competitors were selected from a large number of applicants, who competed in four heats, two before Master Hill, and two before the Worshipful Ruth Arlow. The winners of each of each moot proceeded to the Saturday's final: Tanvi Sagar and Mohamed Hussein-Iman (*pictured, right*) for the Appellant, and Gabriel Barton-Singer (*pictured, above*) and Sarah Kinsella for the Respondent.



The panel for the final comprised the Dean of Arches sitting with Naomi Gyane, Deputy Chancellor of the Diocese of Edmundsbury and Ipswich, and John Murray, Solicitor and Planning Inspector (*pictured above left*).

The problem, drafted by David Harte, formerly of Newcastle Law School, concerned the extent to which memorial artefacts remained subject to the faculty jurisdiction after their removal from church buildings, and the extent to which one heir-at-law might give good title to a purchaser for value. The quality of advocacy from all four advocates was extremely high, with challenging and engaging questions from the bench in the historic setting of the Temple Church.





The winner was Mr Gabriel Barton-Singer, Senior Counsel for the Respondent, who impressed the judges with his advocacy and knowledge of the law. The Dean presented Mr Barton-Singer with a cash prize kindly donated by the Ecclesiastical Law Society, and a copy of *Great Christian Jurists in English History*, co-edited by Master Hill (*all three pictured left*).

The Inner Temple Mooting Society would like to thank the Ecclesiastical Law Society for once again sponsoring this Mooting Competition. We are proud to have partnered with them in hosting this Competition, which we hope to repeat future years.

We would also like to thank Morag Ellis QC Naomi Gyane, John Murray, Ruth Arlow and Mark Hill, together with the staff at the Temple Church, and particularly its verger, Matthew Power.

ERIC KEMP PRIZE: WINNER ERIN CARUS

The Ecclesiastical Law Society awards prizes to those on any university degree course which contains a significant element relating to ecclesiastical law, to the student producing the best performance in the subject for the year.

From 2010, these prizes have been named in honour of the Rt Revd Dr Eric Kemp (1915 – 2009), Bishop of Chichester and a distinguished canon lawyer, who was the first President of the Society.

In 2022, the Eric Kemp prize has been to Erin Carus. We offer our congratulations to Erin, who writes:

My name is Erin Carus and I am 23 years old. I came to university 2 years after finishing college because I wanted to become a legal secretary. Working as a legal secretary and working alongside lawyers for a year, I realised I wanted more, I wanted to become a lawyer. I did not do my A-levels and therefore, only had a legal secretary diploma which was not enough to get me into university. I decided to teach myself English and Sociology A-level; achieving a B and an A, I was able to go to a few of my university choices. I chose Oxford Brookes because of their friendly and welcoming environment.

The work I undertook in regard to this award was on the question, “Should any beliefs be excluded from protection as religious beliefs because of their content?”. This question is becoming more and more prevalent as society is becoming more secular and pluralistic, and therefore, more complex to answer.

Society is forming more faiths that may come under the category of belief rather than religion. However, beliefs and religions are protected in the same way by the Equality Act 2010 and by Article 9 of the Human Rights Act 1998. Posing the question whether they should hold the same weight in terms of protection.

To overcome this complexity my essay suggests that some beliefs should be excluded from protection if the manifestation of that belief is to harm others, however small that harm may be.

A balancing act of harm would ensure the continued protection of rights afforded by the Human Rights Act in a society with many, conflicting, beliefs.

More information about the Society’s prizes is available [here](#).

LAUNCH OF CANON LAW PRINCIPLES - 2ND EDITION

The 2nd edition of The Principles of Canon Law Common to the Churches of the Anglican Communion was launched on 5 August 2022 at the Lambeth Conference. Bishops from around the Communion attended the event which was hosted by the Rt Revd Vicentia Kgabe, Bishop of Lesotho.



(The panel, pictured above: the Ven Dr Will Adam; the Rt Revd Vicentia Kgabe; Darren Oliver; the Revd Russell Dewhurst; Professor Norman Doe)

As host Bishop, Bishop Vicentia introduced proceedings. Professor Norman Doe, Director of the Centre for Law and Religion at Cardiff University Law School explained the history and background of the Principles.

Darren Oliver, Legal Adviser to the Anglican Consultative Council, spoke of their use in the Communion and commended them to those present for study and for the further building up of Anglican bonds. The Ven Dr Will Adam, Archdeacon of Canterbury, talked about their use in ecumenism, especially on the global scale. The Revd Russell Dewhurst, Communications Officer of the ELS and CLR fellow, said a few words about the revision process. After a time of questions and discussion, the new edition was formally launched and the evening concluded.

Many members of the ELS made a contribution to this edition of the Principles, through the international reading groups organized in 2021 which provided the legal evidence used by the revision committee in drafting the revisions. The Society itself also funded the production of an index for this edition. Thanks are due to Winckworth Sherwood, who kindly sponsored the refreshments, The Episcopal Church, which funded the production of sufficient printed copies for the attending bishops, and the University of Kent Lambeth Conference staff who organized everything so efficiently.

The Principles of Canon Law Common to the Churches of the Anglican Communion is published by the Anglican Consultative Council, and the new edition reflects the fruitful collaboration between the ACC, the ELS and the Centre for Law and Religion at Cardiff University Law School.

Resources:

A new, permanent page has been added to the ELS website, hosting the PDF of the Principles and links to connected research materials. Visit the [Principles of Canon Law resources page](#).

CHANCERY COURT OF YORK LECTURE RESCHEDULED

We are pleased to confirm that the lecture previously scheduled to take place in June by Professor Norman Doe on “The Chancery Court of York: A Forgotten Jurisdiction?” will now take place on **Thursday 29 September 2022** at York Minster at 6.45pm, following on from Evensong at 5.30pm.

The Vicar General of York, Peter Collier QC, has invited Professor Norman Doe to give a lecture on the history of the Chancery Court of York, as a follow-on from his lecture on the history of the Court of Arches. The ELS is delighted to advertise this event.



The Chancery Court, the court of appeal of the Province of York in the Church of England, has existed since at least medieval times. The evolution of its jurisdiction, judiciary, and jurisprudence is at once a reflection of wider historic developments in the Church of England and the life of the Province of York within the national church. This lecture describes, explains, and evaluates the constitution and work of the court, and cases determined by it, in the light of continuity and change, and the stresses and strains placed on the court, as it has sought over the centuries to serve the people of the Province of York.

Norman Doe is a Professor of Law at Cardiff University, Director of its Centre for Law and Religion, Chancellor of the Diocese of Bangor, Academic Bencher of the Inner Temple, and Visiting Fellow at Clare Hall Cambridge. He has written ten books on modern ecclesiastical law and law and religion, served as consultant on canon law to the Anglican Communion, and is a Fellow of the Royal Historical Society.

There will be some limitation on numbers at this event, so to reserve a place at the lecture please email pcqc@mac.com.

Note that as this lecture is not being organized by the Ecclesiastical Law Society, our officers cannot assist with bookings, please direct questions to the email address above.

Online bookings are not available for this event.

LECTURE POSTPONED - IN DEFENCE OF THE CHANCELLOR

Following the death of her late Majesty Queen Elizabeth II on 8 September, it was decided to postpone the lecture by David Etherington KC planned for 14 September 2022. It is hoped to reschedule the lecture soon and when the date is confirmed information will be posted on the ELS website.

DATES FOR THE DIARY 2022 - 23

ELS Lectures are free of charge and are open to members and non-members save where otherwise stated. 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 for late availability requests. If you find you can no longer attend, please cancel your booking to make the space available for someone else.

Tuesday 11 October 2022 - Temple Church, London at 6.00 pm

Guest Lecturer: Professor John Witte Jr

Faith in Law: The Protestant Reformation of Law and Politics and its Enduring Influence Today

The Ecclesiastical Law Society, in association with the Temple Church and the University of Notre Dame London Law Program, is delighted to host a guest lecture by Professor John Witte Jr. It will be followed by a drinks reception to mark the launch (delayed due to the COVID pandemic) of *Christianity and Criminal Law (2020)*, edited by Mark Hill QC and John Witte Jr, together with Norman Doe and Richard Helmholz. Further details, including a link to book to attend the lecture and drinks reception, are on our website [here](#). (Bookings close on Friday 7 October, or when the venue is full, so don't delay!)

Wednesday 16 November 2022 – Zoom at 5.30pm

The Right Revd Stephen Conway, Bishop of Ely

Canonical perspectives on the teaching of sacramental theology for the Church of England today

PLEASE NOTE: This lecture will now take place online. Details [here](#).

Two more online lectures have recently been added to our website. These are the first two in a series of international online lectures planned for 2022-3:

Tuesday 13 December 2022 – Zoom at 10:00am GMT

Professor Paul Babie

The Canonical Origins and Status of the Orthodox and Eastern Catholic Churches of Ukraine

Details [here](#).

Monday 23 January 2023 – Zoom at 5.30pm

The Revd Dr Becket Soule OP

The Recognition of Orders by the Roman Catholic Church

Details [here](#).

And, in case you missed it...

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:

Beyond the Religious Discrimination Bill, Understanding the State-religion Dynamic in Australia

By Dr Renae Barker, legal academic and senior lecturer at the University of Western Australia Law School, and Advocate for the Anglican Diocese of Bunbury. Recording available [here](#).

We are planning a full programme for 2023, which will include lectures, conferences, and training events both in person and online.

Further details will be published when they become available online and in the next Newsletter.

LEGISLATION UPDATE

Clergy Discipline Measure 2003

At its July group of sessions, the General Synod of the Church of England voted in favour of the first steps to legislate for a Clergy Conduct Measure which is intended to replace the Clergy Discipline Measure 2003. The vote follows the publication of the report by the Clergy Conduct Measure Implementation Group, Under Authority Revisited, which sets out proposals for complaints to be allocated into three different tracks, depending on seriousness: "Grievance", "Allegation of misconduct" and "Allegation of serious misconduct". The report may be viewed [here](#).

Ecclesiastical Judges etc. (Fees) Order 2022

The [Ecclesiastical Judges, Legal Officers and Others \(Fees\) Order 2022](#) was laid before Parliament on 28 July and comes into effect on 1 January 2023. An explanatory note is available [here](#).

Faculty Jurisdiction (Amendment) Rules 2022

The [Faculty Jurisdiction \(Amendment\) Rules 2022](#) came into force on 1 July 2022. The Church House Legal Office has prepared an informal Keeling Schedule of the Faculty Jurisdiction Rules 2015 incorporating the 2022 amendments, available [here](#).

Police, Crime, Sentencing and Courts Act 2022 and positions of trust

Section 47 of the [Police, Crime, Sentencing and Courts Act 2022](#) came into effect on 28 June. It amends the Sexual Offences Act 2003 by inserting a new s.22A into the 2003 Act, thereby expanding the meaning of "position of trust" to include the situation in which:
'(a) A coaches, teaches, trains, supervises or instructs B, on a regular basis, in a sport *or a religion*, and
(b) A knows that they coach, teach, train, supervise or instruct B, on a regular basis, in that sport or religion,
where "religion" includes "a religion which involves belief in more than one god, and a religion which does not involve belief in a god".' [*emphasis added*]

Reform of weddings law in England & Wales

In July, the Law Commission of England and Wales published its final recommendations on the reform of weddings law. In [Celebrating Marriage: A New Weddings Law](#), it recommends a wholesale reform of the current law, under which regulation of weddings would be switched from buildings to officiants (as in Scotland and Northern Ireland, where weddings are conducted by registered celebrants). Every wedding would be overseen by an authorised officiant who would have legal responsibility for the wedding. There would also be universal rules for all weddings: with very few exceptions, the same rules would apply, meaning that the current laws for different religious groups and for civil weddings would be superseded. There is a short summary of the Report [here](#).

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