



Ecclesiastical  
Law  
Society

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

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**The Ecclesiastical Law Society wishes all its  
Members, friends and readers a happy and peaceful  
Advent, Christmastide and Epiphany**



*The Adoration of the Christ Child (ca. 1485–507) by Cosimo Rosselli*

## NEWS & NOTICES

### LLM in CANON LAW CELEBRATES 30TH ANNIVERSARY



The **LLM in Canon Law at Cardiff University** was launched in 1991 with the support of the Ecclesiastical Law Society. It was the first degree of its type in England and Wales since the sixteenth century.

In October 2022, a conference was held at the Cardiff School of Law and Politics to celebrate thirty years of the degree. Graduates of the programme and others gathered as papers were presented on the many fruits of the LLM degree.

Topics included the Law and Religion Scholars Network; the Interfaith Legal Advisers' Network; the Colloquium of Anglican and Roman Catholic Canon Lawyers; ecumenical Christian Law; the Principles of Canon Law Common to the Churches of the Anglican Communion; Reflections on 30 years of the LLM in Canon Law; the Church Law History Consortium; and the work of current doctoral students in canon law.



*The Revd Stephen Coleman, the Worshipful Mark Hill KC, Professor Richard Helmholz, Professor John Witte Jr, Professor Norman Doe*

Other highlights included two lectures delivered by Professor John Witte, Jr. from Emory University. At the celebratory dinner many votes of thanks were given both for the course in general and especially for Professor Norman Doe, director of the course throughout its 30 years of existence.

The ELS sends its best wishes and congratulations to Professor Doe and all those involved in the LLM Canon Law degree as it celebrates this significant anniversary. As a charity whose purpose is the promotion of education in canon law, the ELS encourages all its members to make the existence of the course known as widely as possible.

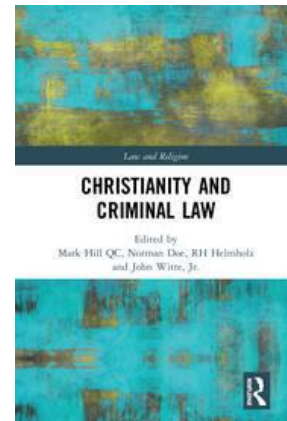
### FAITH IN LAW: THE PROTESTANT REFORMATION OF LAW AND POLITICS AND ITS ENDURING INFLUENCE TODAY



On 11 October 2022 the ELS, in association with the Temple Church and the University of Notre Dame London Law Program, was delighted to host a guest lecture by Professor John Witte Jr on “Faith in Law: The Protestant Reformation of Law and Politics and its Enduring Influence Today”

Professor Witte is a distinguished scholar and long-serving director of the Center for the Study of Law and Religion, Emory University School of Law, Atlanta, USA. He is a long-time friend of the Society, and serves on the editorial board of the

Ecclesiastical Law Journal and is editor of the Cambridge Law and Christianity Series, and the Journal of Law and Religion. His many publications include *The Reformation of Rights: Law Religion and Human Rights in Early Modern Calvinism* (2007) and he is the co-editor of the forthcoming Oxford Handbook on Christianity and Law.



The lecture was moderated by Professor Mark Hill KC, Distinguished Fellow and Visiting Professor at the University of Notre Dame's London Law Program, and followed by a drinks reception to mark the launch (delayed due to the covid pandemic) of *Christianity and Criminal Law* (2020), edited by Hill and Witte, together with Norman Doe and Richard Helmholz.

## COLLOQUIUM OF CANON LAWYERS



The Colloquium of Anglican and Roman Catholic Canon Lawyers, a network of the Centre for Law and Religion at the School of Law and Politics, Cardiff University, met in Rome in October 2022.

Founded in Rome in 1999, the Colloquium aims to contribute to greater ecumenical understanding between Anglicans and Roman Catholics from the perspective of canon law as a form of applied ecclesiology.

*At the Venerable English College, hosted by the Rector, Fr Stephen Wang.*

After an introductory presentation on the 2nd edition of *The Principles of Canon Law Common to the Churches of the Anglican Communion*, the main business of the Colloquium was a comparative study of penal law and church discipline. Papers were presented, and a joint statement agreed.



*The Colloquium welcomed by the British Ambassador to the Holy See, His Excellency Chris Trott.*

The Colloquium enjoyed the welcome and hospitality of the Venerable English College, Casa Santa Maria (a division of the Pontifical North American College), the Anglican Centre, the Apostolic Palace, the British ambassador, and the Roman Rota.



*The Colloquium at the Anglican Centre, hosted by the Most Revd Ian Ernet.*

The Colloquium was convened by the Revd Stephen Coleman, Assistant Director of the Centre for Law and Religion.

Among the members of the colloquium are trustees of the ELS and members of the editorial board of the Ecclesiastical Law Journal.

It is hoped that further information about the deliberations of the 2022 Colloquium may appear in a future edition of the Ecclesiastical Law Journal.



*The Colloquium meeting at the Apostolic Palace, courtesy of Msgr. Brian Ferme.*

## THE CHANCERY COURT OF YORK: A FORGOTTEN JURISDICTION?



Peter Collier KC attended Professor Norman Doe's rescheduled lecture at York Minster; he writes:

With his customary enthusiasm Professor Norman Doe provided a great overview of the Chancery Court of York in his lecture at York Minster on 29th September. He told us that it was not a forgotten court but a hidden one being rarely mentioned in the indices of the great ecclesiastical commentaries, in contrast to the many references to its Canterbury counterpart, the Court of Arches. We learned of its development, its jurisdiction, with fascinating statistics about the types of case it dealt with over the centuries. The personnel who worked in it were described with a number of the more interesting individuals being identified.

*Morag Ellis KC, Auditor; Professor Norman Doe; Peter Collier KC.*

We learned of the vast treasure trove of documents to be researched at the Borthwick Institute, but of the difficulty of identifying the Chancery Court records as they are spread across the different collections of court papers. Its jurisprudence through several notable northern jurists were highlighted, the last-mentioned being Professor Mark Hill KC, current Chancellor of the Diocese of Leeds.

Throughout it was clear that there is a stubborn northern streak of difference and practical common sense justice running through its history. At the conclusion of the lecture we visited the present Consistory Court in the Minster which came into existence in the first half of the nineteenth century, prior to then it had sat in the north transept until 1776 when it moved to the south transept. A fascinating evening.

## MEETING OF THE ELJ EDITORIAL BOARD

The editorial board of the Ecclesiastical Law Journal met in Cambridge on Tuesday 25 October. This was the first editorial board meeting chaired by the new editor, Ben Harrison. It was a hybrid meeting, allowing both UK and overseas members of the board to meet together.

The board was also joined by colleagues from Cambridge University Press. The board was pleased to hear about the growing impact and reach of the Journal.



After a discussion of the rapidly-changing state of academic publishing, there was also consideration of future topics for articles and comment pieces, and of the role of the Journal's various sections.

The board is grateful to Pembroke College, Cambridge for its hospitality.

## CHRISTMAS QUIZ



Our fabulous Communications Officer, the Revd Russell Dewhurst, has compiled a light-hearted 'Seasonal Scramble' for our readers! Answers in the next edition.



*Match each Anglican-themed quotation with its rightful author (list at the bottom of the page), also identifying the literary work if you can.*

1	The Lesson was one of those chapters of the Old Testament all about how Abimelech begat Jazzbo and Jazzbo begat Zachariah. And, what with the beauty of the words and the peace of his surroundings, Barmy suddenly began to become conscious of a great remorse. He had not done the square thing, he told himself, by dear old Pongo.
2	It was a God-fearing Admiralty who ordered church service every Sunday morning, otherwise Hornblower would have dispended with it, as befitted a proud student of Gibbon.
3	When the Apostles' Creed was recited, everybody turned to the East. I was sure Mrs Everest would consider this practice Popish, and I conceived it my duty to testify against it. I therefore stood stolidly to my front.
4	"The marriage cannot go on: I declare the existence of an impediment." The clergyman looked up at the speaker, and stood mute; the clerk did the same. Mr Rochester moved slightly, as if an earthquake had rolled under his feet.
5	I wondered that she should waste so much energy fighting over a little matter like wearing hats in chapel, but then I told myself that, after all, life was like that for most of us—the small unpleasantnesses rather than the great tragedies; the little useless longings rather than the great renunciations and dramatic love affairs of history or fiction.
6	The upper part of this room was fenced off from the rest; and there, on the two sides of a raised platform of the horse-shoe form, sitting on easy old-fashioned dining-room chairs, were sundry gentlemen in red gowns and grey wigs, whom I found to be the Doctors aforesaid. Blinking over a little desk like a pulpit-desk, in the curve of the horseshoe, was an old gentleman, whom, if I had seen him in an aviary, I should certainly have taken for an owl, but who, I learned, was the presiding judge.
7	An affectionate letter from a bishop must surely be the most disagreeable missive which a parish clergyman can receive. Affection from one man to another is not natural in letters. A bishop never writes affectionately unless he means to reprove severely.
8	And then Dalgliesh remembered from his first visit to the Church that the noticeboard had shown Evensong at 4 on Thursdays. Father Barnes would presumably be in church. And so it proved.
9	Mark was glad of an opportunity to obey one of the rubrics implicitly, and he rather fancied that the Major might protest against his interrupting Morning Prayer to administer Baptism after the 2 <sup>nd</sup> lesson.
10	"That's what brought me to the Episcopal Church. Any church in which black folks and white folks drink out of the same cup knows something about a gospel that I want to be a part of."

**A** Charlotte Bronte, **B** Compton Mackenzie, **C** Charles Dickens, **D** Winston Churchill, **E** P. D. James, **F** C. S. Forester, **G** Barbara Pym, **H** Anthony Trollope, **I** P. G. Wodehouse, **J** Michael Curry

## **DATES FOR THE DIARY 2022 – 23**

**The remaining events for 2022 are shown below together with those already arranged for next year. We are planning a full programme for 2023, which will include lectures, conferences, and training events both in person and online.**



**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](#).



**Wednesday 1 March 2023 – Zoom at 5.30pm**

Canon Rosalie Manning

*The Safe and Inclusive Church Commission in the Anglican Church of South Africa*

Details [here](#).



**Tuesday 6 June 2023 – Zoom at 5.30pm**

Edward Day

*The Shape of Ordained Ministry in the Henrician Canons of 1535*

Details [here](#).



**Date TBC – rescheduled from 16 November 2022**

**This lecture was postponed – the rescheduled date will be published on the website.**

The Right Revd Stephen Conway, Bishop of Ely

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

*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 24 hours before the event (or when the event is full), but please contact the Communications Officer [communications@ecclawsoc.org.uk](mailto:communications@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* has its own dedicated YouTube channel – you can sign up to subscribe and view past recordings of lectures and interviews [here](#). Recent additions include:

**Aiming Low! Recent changes to the Faculty Jurisdiction Rules and the Church's carbon footprint** – This video includes the presentations that were delivered as part of the ELS online training event, covering the recent (2022) changes to the Faculty Jurisdiction Rules with particular reference to the Church's carbon footprint. The discussion part of the evening is not included in the video.

The Ven. Simon Baker and the Revd Dr Andrea Russell lead the theological reflection, and Louise Connacher, Provincial Registrar of York, explains the changes to the law. The recording is available [here](#).

# LEGISLATION UPDATE

## UK COVID-19 Inquiry

The UK COVID-19 Inquiry began work on 4 October 2022.

## Charities Act 2022: commencement

The [Charities Act 2022 \(Commencement No. 1, Consequential and Saving Provision\) Regulations 2022 \(SI/2022/1109\)](#), made on 26 October, brought into force the first tranche of the Act's provisions on 31 October. It had been announced on 13 October that commencement of sections 15 and 16 (on ex gratia payments by charity trustees), would be deferred, pending consideration of the claim that, as drafted, they had the unintended effect of allow national museums to restore items from their collections to their countries of origin on moral grounds.

## Charities (Regulation and Administration) (Scotland) Bill

The [Charities \(Regulation and Administration\) \(Scotland\) Bill](#) will give the Office of the Scottish Charity Regulator (OSCR) wider powers to investigate charities and charity trustees and will amend the rules on who can be a charity trustee or a senior office-holder in a charity. It will also give OSCR new powers to issue positive directions to a charity to take an action, such as managing a conflict of interest, where it has identified a risk and to remove charities that fail to provide accounts and do not respond to OSCR's communications.

## Political activity and campaigning by charities

On 12 October, the Charity Commission of England and Wales published [updated short-form guidance on political activity and campaigning by charities](#). Its publication caused a degree of confusion, and the Commission subsequently had to issue a denial that it was changing the rules and that the new guidance did not imply any new duty on trustees: 'Our longer form guidance still stands, and we do not consider the shorter guidance is inconsistent with it.'

In parallel to the Commission's guidance, on 24 November the Electoral Commission opened [a consultation on a draft Code of Practice on the law relating to non-party campaigner spending](#), including what qualifies as expenses, reporting controlled expenditure and donations, and joint campaigning. The Code, which was produced pursuant to the new sections 100A and 100B of the Political Parties, Elections and Referendums Act 2000 inserted by section 29 of the Elections Act 2022, will apply to general elections to the Westminster Parliament and to the Northern Ireland Assembly. The consultation closes on 20 January.

## Independent Inquiry into Child Sexual Abuse: Final Report

IICSA published its [final report](#) in October; the then Home Secretary, Grant Shapps, said that the Government would respond in full within six months. Possibly its most controversial proposal from the point of view of faith communities is Recommendation 13 on the introduction of mandatory reporting, under which certain individuals – "mandated reporters" – would be placed under a statutory duty to report child sexual abuse where they receive a disclosure of child sexual abuse from a child *or perpetrator*, witness a child being sexually abused, or observe recognised indicators of child sexual abuse. The first category would presumably include any admission made during sacramental confession.

## Northern Ireland: "positions of trust"

[Section 5 of the Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#) amends the abuse of position of trust provision in the Sexual Offences (Northern Ireland) Order 2008. In brief, its effect is to add to the statutory list of positions of trust the situation where 'A coaches, teaches, trains, supervises or instructs B, on a regular basis, in a sport *or a religion*' – thereby bringing the law in Northern Ireland into line with the law in England and Wales under the Sexual Offences Act 2003, as amended.

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

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