



Ecclesiastical
Law
Society

NEWSLETTER
of
THE ECCLESIASTICAL LAW SOCIETY

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SAVE THE DATE!
ELS DAY CONFERENCE 10 JUNE 2023



SACRED SPACE AND CONTESTED HERITAGE

The 2023 Day Conference and annual meeting will be held on 10 June at St Peter's Eaton Square, London SW1W 9AL.

*The theme of the Conference is Sacred Space and contested heritage. Speakers at the conference will include **Araba Taylor**, Deputy Chancellor of Southwark, and Deputy Commissary General of Canterbury (keynote speaker); **The Rt Revd John Inge**, Bishop of Worcester; **Janet Berry**, Head of Conservation & Collections Policy, Cathedral & Church Buildings Division, Church Commissioners.*

Further details including a timetable for the day, conference fee and booking arrangements will appear on our website [here](#) during February.

NEWS & NOTICES

VOL 25 NO 1 ECCLESIASTICAL LAW JOURNAL PUBLISHED

The latest edition of the **Ecclesiastical Law Journal** has been published and sent to members of the Society who receive it without additional charge.

About the Journal



Published three times a year by Cambridge University Press on behalf of the Ecclesiastical Law Society, the Ecclesiastical Law Journal publishes articles on all aspects of ecclesiastical law. Particular emphasis is given to the regulation of the Church of England and worldwide Anglican Communion, but the range of coverage includes comparative studies of the laws of other faiths and of the interface between law and religion in a global perspective.

Through its regular Comment section, the Ecclesiastical Law Journal provides a critical analysis of emergent trends written by distinguished scholars and practitioners in Europe and North America. The Journal also includes book reviews and summaries of recent ecclesiastical cases determined by both secular and church courts, together with a parliamentary report, a brief summary of the proceedings of national Synods, and summaries of major international conferences.

Highlights of Volume 25 No 1

The first issue of Volume 25 contains a wealth of scholarly and insightful articles brought together by the skills of editor Benjamin Harrison and consultant editor Professor Mark Hill KC.

The Venerable Clive Hogger, himself navigating the demands of a new office as Assistant Archdeacon in the Diocese of Coventry, considers how best to describe and define an Archdeacon, drawing on the dual legal and pastoral nature of the role. A thoughtful reflection on the workings of General Synod is given by Bishop Pete Broadbent, himself a member for some 36 years, with further comment from a theological perspective provided by Dr Alison Milbank of the University of Nottingham's Department of Theology and Religious Studies.

Deputy Chancellor for the Diocese of Southwark Araba Taylor explores whether the *Duffield* questions applied to last year's consistory court hearing in the Diocese of Ely in respect of the *Rustat* memorial were the right questions to consider in the circumstances. The recent disciplinary case *Re Evans*, and the tribunal's consideration of the boundaries of the jurisdiction of the Clergy Discipline Measure 2003, are the subject of discussion by the Revd Neil Patterson, Diocesan Director of Vocations and Ordinands.

Doctoral student in Canon Law and fellow of the Cardiff Centre for Law and Religion Russell Dewhurst, comments on the 2022 revisions to *The Principles of Canon Law*

Common to the Churches of the Anglin Communion. Professor Norman Doe, also of the Cardiff Centre for Religion and Law, continues the Journal's distinguished series on rediscovering Anglican Priest-Jurists with an overview of the life and work of Ralph Lever (c.1530 – 1585).

A comprehensive set of synod reports from the Church of England, Church of Ireland, Church of Scotland, Scottish Episcopal Church and the Church in Wales are included, together with parliament and synod editor Frank Cranmer's regular parliamentary report. Case notes edited by David Willink provide helpful overviews of recent consistory and secular court judgments, including a topical finding from the Employment Tribunal.

The popular regular book reviews, edited by Russell Dewhurst, include consideration of eminent recent publications sure to be of global interest and relevance throughout the readership: *Law and the Christian Tradition in Italy: The Legacy of the Great Jurists*, ed. Orazio Condorelli and Rafael Domingo; *The Anglican Eucharist in Australia: The History, Theology and Liturgy of the Eucharist in the Anglican Church of Australia*, Brian Douglas Brill; *The Slaves of the Churches: A History*, by Mary E Sommar; *A Treasure to Be Shared: Understanding Anglicanorum coetibus*, ed. Walter Oxley and Ulrich Rhode; and *Crown, Mitre and People in the Nineteenth Century: The Church of England, Establishment and the State* by G R Evans.

The Journal concludes with a fascinating obituary of the life and work of His Eminence Metropolitan Pavlos Menevissoglou (1935 – 2022), a prominent hierarch of the Church of Constantinople and a prolific scholar of ecclesiastical and canon law.

As ever our grateful thanks go to all who contribute their time and scholarly aptitude to the Journal; the Society remains proud of the valuable role it plays in promoting the educational purpose of the Society of the study of ecclesiastical and canon law.

PROFESSOR NORMAN DOE on 'AN ELIZABETHAN MYSTERY: The Lever Canon Law Manuscript at Inner Temple' at the Temple Church on 28 February 2023 at 6pm



The Ecclesiastical Law Society is pleased to draw your attention to this forthcoming lecture, but please note it is being organized by the Temple Church and all queries must be directed to them via www.templechurch.com.

Norman Doe, DCL, LLD, FRHistS, Professor of Law Cardiff University, Academic Bencher, Inner Temple, and Chancellor of the Diocese of Bangor, will speak on “An Elizabethan Mystery: The Lever Canon Law Manuscript at Inner Temple”, at the Temple Church on Tuesday 28 February 2023 at 6pm, followed by drinks in the Round.

The manuscript – MS Petyt 538/47, fos. 344-5, ‘The Assertions of Ralph Lever touching the canon law’ – will be displayed at the lecture courtesy of Inner Temple Library.

It is hoped that this will be the first of a series of events to showcase the ecclesiastical law treasures of the Inner Temple.

THE TEMPLE CHURCH

Since 1163, London's Jerusalem
Since 1214, Cradle of the Common Law
Since 1584, North America's Church in London



Lecture at the Temple Church,
Tuesday 28 February 2023, 6.00pm

followed by drinks in the Round.

“An Elizabethan Mystery: The Lever Canon Law Manuscript at Inner Temple”

by Norman Doe, DCL, LL.D, FRHistS
Professor of Law Cardiff University
Academic Bencher, Inner Temple
Chancellor of the Diocese of Bangor

The manuscript - MS Petyt 538/47, fos. 344-5, 'The Assertions of Ralph Lever touching the canon law' - will be displayed at the lecture courtesy of Inner Temple Library.

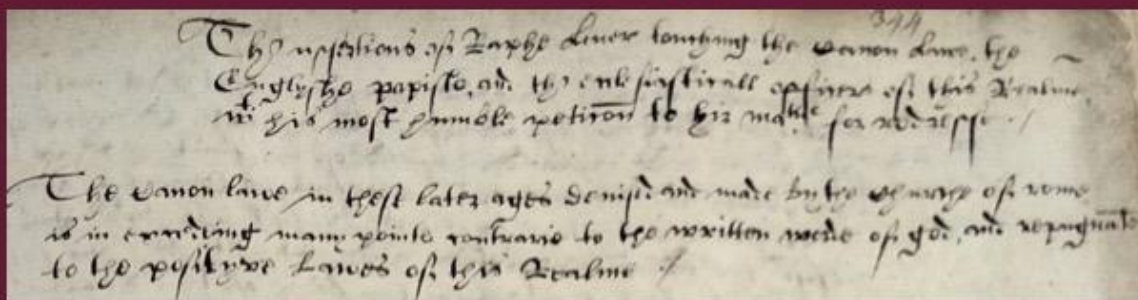


Image reproduced by permission of the Masters of the Bench of the Inner Temple.

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www.templechurch.com

Again, please note that all queries must be directed to www.templechurch.com, and not the ELS.

PRINCIPLES OF CANON LAW AT THE ANGLICAN CONSULTATIVE COUNCIL

A plenary meeting of the Anglican Consultative Council – ACC-18 – was held in Accra, Ghana, in February 2023.



A presentation on The Principles of Canon Law Common to the Churches of the Anglican Communion was given to the ACC by the Ven Alan Perry, General Secretary of the Anglican Church of Canada and ELS member, on Tuesday 14 February. On Thursday 16 February, the following resolution was passed:

The Anglican Consultative Council:

- welcomes The Principles of Canon Law Common to the Churches of the Anglican Communion, 2nd Edition, and thanks the Legal Advisors' Network for its work;
- commends The Principles to the Churches of the Anglican Communion for study and use, and encourages Member Churches to engage with the Network and use it as a resource in dealing with legal issues as they arise;
- encourages the Churches of the Communion to draw on the Network when new Member Churches are created;
- encourages all Churches to keep their canons under review in the light of The Principles; and
- affirms the continuation and development of the work of the Legal Advisors' Network, including by fostering reading groups, and exploring the possibility of a Library of Anglican Canon Law.

The second edition of The Principles of Canon Law Common to the Churches of the Anglican Communion, referred to in the resolution, was launched at the Lambeth Conference 2022. The revision process was organized and supported by the Ecclesiastical Law Society and the Centre for Law and Religion at Cardiff University. This new ACC resolution will help to ensure that the Principles are received and used throughout the Communion.

ELS WELL-REPRESENTED AT THE ‘LISTENING TO THE WEST’ CONFERENCE IN ROME

The Institute for Ecumenical Studies of the Angelicum, Rome, hosted an International Ecumenical Conference “Listening to the West” 26-28 January 2023.

Organized under the patronage of the Dicastery for Promoting Christian Unity and the General Secretariat of the Synod, the Conference included more than 40 theologians and canon lawyers. The participants contributed various experiences of synodality of the mainline Western Christian communions, as an academic ecumenical consultation for the current Catholic synodal process. As part of the method of receptive ecumenism, Catholic listeners drew out points of listening and learning from the contributions.

The Ecclesiastical Law Society was well-represented among the participants at the Conference. The Anglican keynote was given by long-time member the Revd Dr Paul Avis, with historical, canonical, and pastoral approaches offered by former Journal Editor the Ven Will Adam, Communications Officer the Revd Russell Dewhurst, and President the Rt Revd Christopher Hill respectively.



A recording of the entire conference can be seen on Youtube by clicking on the following links:

- Anglican and Lutheran [here](#)
- Reformed and Methodist [here](#)
- Old Catholic [here](#)

The papers are expected to be published in due course, to contribute to the papers for the Synod of Bishops of the Catholic Church in Autumn 2023.

LONDON LECTURES ANNOUNCED

The Ecclesiastical Law Society has announced its programme of London lectures for 2023. More details can be found below in the ‘Dates for the Diary 2023’ section of the Newsletter.

These London lectures are in addition to the series of online lectures, the 2023 day conference, training events and other events that will be announced in the coming months. All announced events can always be found on our [Events](#) page.

THE PROTECT DUTY AND MARTYN'S LAW – IMPLICATIONS FOR PLACES OF WORSHIP FOLLOWING THE GOVERNMENT'S CONSULTATION

Frank Cranmer writes: The proposed Protect Duty will require organisations to consider or to employ security measures at the vast majority of public places, and the Government has recently consulted on its scope. In a written statement on 19 December, the Home Secretary announced “the foundational policy elements that will form the basis of this Government’s upcoming Protect Duty Bill” developed in response to feedback received to the Government’s consultation. Its two primary objectives will be to clarify who is responsible for security activity at locations in scope, thereby increasing accountability, and “to improve outcomes UK-wide so that security activity is delivered to a consistent level”. An inspection and enforcement regime will seek to “educate, advise, and ensure compliance”.

The Government appears to have accepted that requirements under the legislation should be proportionate, and the legislation will therefore establish a tiered model, introducing a requirements framework that is linked to the type of activity that takes place at eligible locations and the number of people that the location can safely accommodate at any time.

There will be two tiers:

- Standard: “Locations with a maximum occupancy of greater than 100 people at any time will be required to undertake low-cost, simple yet effective activities to improve protective security and preparedness. This will be achieved by accessing free awareness-raising materials and development of a basic preparedness plan considering how best a location can respond to a terrorist event in their locale.”
- Enhanced: “Locations with an occupancy of 800+ at any time will additionally be required to take forward a risk assessment and subsequently develop and implement a security plan. Enhanced Duty holders will be required to meet a reasonably practicable test.”

Locations with a maximum occupancy at any time of fewer than 100 will fall out of scope; however, they will be encouraged to adopt good security practices on a voluntary basis. There will be free guidance and training materials – and the Government will be able to adjust capacity thresholds in response to changes in the nature of the terrorist threat.

There will be some limited exclusions and exemptions from the Duty, and Places of Worship will receive what the Government describes as “bespoke treatment”: all Places of Worship will be placed into the standard tier, with a small cohort of locations that charge for entry placed into the enhanced tier.

Enforcement will predominantly be delivered via a civil sanctions regime (to a civil standard) rather than through the criminal law, though in the case of the most serious breaches a limited number of criminal offences will be available.

There will no doubt be more information when we see the Bill and the Explanatory Notes.

CHRISTMAS QUIZ - ANSWERS

We hope you enjoyed our 'seasonal scramble'. Read on to see how well you did!

1	<p>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. <i>I - P.G. Wodehouse, Young Men in Spats</i></p>
2	<p>It was a God-fearing Admiralty who ordered church service every Sunday morning, otherwise Hornblower would have dispensed with it, as befitted a proud student of Gibbon. <i>F - C.S. Forester, Ship of the Line</i></p>
3	<p>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. <i>D - Winston Churchill, My Early Life</i></p>
4	<p>"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. <i>A - Charlotte Bronte, Jane Eyre</i></p>
5	<p>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. <i>G - Barbara Pym, Excellent Women</i></p>
6	<p>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. <i>C - Charles Dickens, David Copperfield</i></p>
7	<p>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. <i>H - Anthony Trollope, Dr Wortle's School</i></p>
8	<p>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. <i>E - P.D. James, A Taste for Death</i></p>
9	<p>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 2nd lesson. <i>B - Compton Mackenzie, The Heavenly Ladder</i></p>
10	<p>"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." <i>J - Michael Curry, Crazy Christians</i></p>

DATES FOR THE DIARY 2023

Our full programme for 2023 will include lectures, conferences, and training events both in person and online. Events open for booking so far include:

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](#).

Wednesday 8 March 2023 – St Mary-le-Bow, London EX2V 6AU at 6pm



The Rt Revd Humphrey Southern

Called on the Mountain to serve on the Plain: Priorities for Ministry Formation

Details and booking form [here](#).

Note that spaces are limited so booking will be essential. Refreshments will be served following the lecture.

Tuesday 6 June 2023 – Zoom at 5.30pm



Edward Day

The Shape of Ordained Ministry in the Henrician Canons of 1535

Details [here](#).

Wednesday 5 July 2023 – Location TBC, London at 5.30pm



The Rt Revd Martin Warner

The Bishop in Parliament

Details [here](#).

Wednesday 13 September 2023 – Location TBC, London at 5.30pm



David Etherington KC

In Defence of the Chancellor

Details [here](#).

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.

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:

Professor Paul Babie - *The Canonical Origins and Status of the Orthodox and Eastern Catholic Churches of Ukraine* – view [here](#).

The Revd Dr Becket Soule OP - *The Recognition of Orders by the Roman Catholic Church* – view [here](#).

NOTE FROM THE EDITOR

You may have noticed that we are trialling distributing the ELS Newsletter in a new format, via ‘mailchimp’. It is hoped that this will make it easier for subscribers to read this within their email inbox, rather than have to click through to the website following various links. A PDF copy will remain available on the website for the time being, for users unable to view via mailchimp.

Meanwhile, your feedback on the new format, together with any comments or suggestions on the Newsletter more generally, would be very welcome. Please feel in [this feedback form](#), or please feel free to email the Editor (details on page 1).

LEGISLATION UPDATE

Church of England & the IICSA Final Report

Following the publication and the [initial response](#) to the [Final Report](#) by the Independent Inquiry into Child Sexual Abuse in October 2022, the National Safeguarding Steering Group, the House of Bishops and the Archbishops’ Council have published a [joint response](#) to recommendations in relation to the safeguarding work of the Church of England.

Church of England General Synod approves same-sex blessings

In January, the Church of England published an additional General Synod document, [Prayers of Love and Faith: a note from the Legal Office, GS Misc 1339](#), which summarizes the legal background to the decision of the House of Bishops that it should, following discussion in the General Synod, commend *Prayers of Love and Faith*, a draft of which is contained in Annex B to [GS 2289](#).

On 9 February after an eight-hour debate over two days, General Synod voted in favour of [a motion to offer blessings to same-sex couples](#) in civil partnerships and marriages, using the *Prayers of Love and Faith* set out in GS 2289 and its Annexes. Under the terms of the motion, Church of England churches will be allowed to hold services of dedication, thanksgiving and blessing for same-sex couples who have had a civil wedding ceremony.

The Bill of Rights Bill

On 24 January, the Joint Committee on Human Rights published its report, *[Legislative Scrutiny: Bill of Rights Bill](#)*. The Committee gave the Bill a very loud raspberry indeed, concluding that the Bill “not only lacks support, but has caused overwhelming and widespread concern. Those who support the Bill in its current form appear to us to be limited in number: they certainly represented a tiny minority of those who responded to the Independent Human Rights Act Review, the Government consultation, our call for evidence, or those who chose to respond to the survey we posted on Twitter, which had over 40,000 responses”.

Marriage and Civil Partnerships: Minimum Age, England and Wales

The [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#) comes into effect on Monday 27 February 2023.

Renumbering of judgments from Liverpool Consistory Court

The Ecclesiastical Law Association announced that it has been necessary to renumber the neutral citations of the judgments from the Liverpool consistory court for 2022. The correct citations are:

- *Re Springwood Cemetery Allerton* [\[2022\] ECC Liv 1](#).
- *Re Widnes Cemetery* [\[2022\] ECC Liv 2](#).
- *Re Christ Church Padgate* [\[2022\] ECC Liv 3](#).

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