



Ecclesiastical  
Law  
Society

---

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

---

**No. 2/2023**

**July 2023**

Editor:  
Frances Godden  
[francesgodden@stoneking.co.uk](mailto:francesgodden@stoneking.co.uk)

Executive Secretary:  
The Rt. Revd John Ford  
[execsec@ecclawsoc.org.uk](mailto:execsec@ecclawsoc.org.uk)

**CONFERENCE 2025**  
**KEYNOTE SPEAKER ANNOUNCED**



**His All-Holiness the Ecumenical Patriarch Bartholomew**

## NEWS & NOTICES

### SACRED SPACE AND CONTESTED HERITAGE – 35<sup>th</sup> ELS ANNUAL CONFERENCE



On Saturday 10 June 2023, the Ecclesiastical Law Society's Thirty-fifth Annual Conference took place at St Peter's Eaton Square in London. *Russell Dewhurst reports.*

The subject was 'Sacred Space and Contested Heritage', and the speakers were the Rt Rev'd Dr John Inge, Bishop of Worcester; Araba Taylor, Deputy Chancellor of Southwark and Deputy Commissary General of Canterbury; and Janet Berry, Head of Conservation & Collections Policy, Cathedral & Church Buildings Division, Church Commissioners.

*[Photo: Rt Revd John Inge; Elizabeth Wilson; Araba Taylor; Janet Berry]*

All three speakers gave excellent presentations with much food for thought, generating lots of questions and discussion. We are very grateful to our speakers for making the day so worthwhile. See a future edition of the Ecclesiastical Law Journal for a full conference report and more details. Meanwhile, you can view copies of the presentation notes and slides [here](#).



Also during the day there was a celebration of the Eucharist, at which the Vicar of St Peter's, Fr Jonathan Kester, presided. The Society was most grateful to Fr Jonathan and the parish for hosting us.



The Society's Annual General Meeting (papers available [here](#)) took place in the afternoon, chaired by Elizabeth Wilson. The Revd Christopher Smith was elected as a trustee, and small changes to the Society's constitution were agreed.

Thanks were recorded to all those who in so many ways have advanced the Society's work during the course of the year.

Two announcements were made about future conferences. In 2024, a day conference will consider the law of liturgy. A weekend conference will take place in 2025; details below.

At the end of the conference, we enjoyed some cool drinks in the garden of St Peter's in the early evening sun. *Thanks to all involved in making the day such a success.*



## **FUTURE ELS CONFERENCES**

The ELS is delighted to confirm that, in 2025, the Society will mark the 1700th anniversary of the first Ecumenical Council at Nicaea with a weekend conference, at which the Society will be very honoured to welcome as keynote speaker His All-Holiness the Ecumenical Patriarch Bartholomew.



Bartholomew I is the 270th archbishop of Constantinople and Ecumenical Patriarch, since his enthronement on 2 November 1991. In accordance with his title, he is regarded as the *primus inter pares* (first among equals) in the Eastern Orthodox Church, and as the spiritual leader of the Eastern Orthodox Christians worldwide.

The conference will take place in Chichester from 20<sup>th</sup> to 22<sup>nd</sup> June 2025. More details will follow in due course.

## **NEWS OF THE ECCLESIASTICAL LAW JOURNAL**

As reported at this year's AGM by **Ecclesiastical Law Journal** editor Ben Harrison, a new contract has recently been signed with Cambridge University Press. For at least the next five years, the ELS will remain one of a very small number of learned societies to retain a print issue of its journal. Among the developments that lie ahead, content from the journal dating prior to 2007 will be digitised. Many thanks are due to Ben Harrison and Stephen Hogg for negotiating this so effectively.

As well as the 700+ printed copies of the ELJ distributed to members, our journal has a global online readership. In 2022, 48,215 full text articles were accessed. So far in 2023, access statistics for the Journal are 17% higher than last year. Over and above this, more than 2000 full text articles were downloaded from the special online Coronation collection of articles (see further below; these can be accessed [here](#)).

As a reminder, members have access to the entire run of Journal back issues online. To use this facility, go to [www.ecclawsoc.org.uk](http://www.ecclawsoc.org.uk) and click Login. If you aren't sure of your password, click "Forgot Password" enter your email address. When you have logged in, click on the "Members" menu title, then "Journal Archive" and follow the link. The

latest edition of the has been published and sent to members of the Society who receive it without additional charge.

## **OUR CORONATION COLLECTION**

The President, trustees and officers of the Ecclesiastical Law Society shared in the joy of the nation and Commonwealth at the Coronation of His Majesty King Charles III, a time of celebration and thanksgiving.



We rejoiced as the King was crowned and the Church of England continues to pray for its Supreme Governor. As much of our work in education and training is within this part of the Church of Jesus Christ, we commit the Society to working with our new Sovereign and all others in the proclamation of the Good News of reconciliation to the whole world.

We present to King Charles III our loyal greetings and affection and assure him and Queen Camilla of our prayers for the future. May the King indeed defend our laws and always give us cause to sing, with not only our hearts and voices but also with our whole lives, of a reign of peace and justice for all.

To mark this historic occasion, the ELS and Cambridge University Press have published online: *The established nature of the Church of England: a collection of essays to mark the Coronation of King Charles III*. This collection of essays, compiled by our journal editor Ben Harrison, can be accessed [here](#).

## **INTRODUCING ORDINANDS TO CANON LAW**

The Revd Stephen Coleman, trustee of the ELS, and the Revd Russell Dewhurst, Communications Officer, have been introducing ordinands to the canon law of the Church of England at TEIs (Theological Education Institutions) across the Church of England. The seminar usually lasts three hours, and covers the very basics of canon law: why do we have it? what is it for? what does a newly-ordained curate need to know?

The seminar uses the booklet 'Canon Law for the Newly-Ordained' now in its 5th edition.

The photo shows Stephen Coleman (*left*) and Russell Dewhurst (*right*) at Ripon College Cuddesdon.

Visits to Wycliffe Hall and St Augustine's College of Theology have also taken place this term.

TEIs who might be interested in this course being delivered at their institution are invited to get in touch with us.

Our contact details are [here](#).



## **ECCLESIASTICAL MOOT COMPETITION 2023**

*Congratulations to Hugh Jeffrey, winner of this year's Ecclesiastical Moot! Hugh describes the order of the day for us.*

The final of the annual Ecclesiastical Law Moot, open to all student members of the Inns, was held on Saturday 22 April.



The moot problem, designed by Mark Hill KC, concerned the operation of the doctrine of precedent within the faculty jurisdiction. In *Re Christ Church Cemetery, Alsager* [1999], the Chancery Court issued guidance on the circumstances in which a faculty for exhumation ought to be granted. Soon after, the Court of Arches issued its own, slightly conflicting, guidance in *Re Blagdon Cemetery* [2002].

*Left: members of the bench, Mr David Willink, Ms Morag Ellis KC, and Ms Naomi Gyane*

In recent years there has been some controversy as to the extent to which these decisions are binding on consistory courts of the northern and southern provinces. This controversy prompted the intervention of the Synod in the form of section 14A of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.

A decision of either appellate Court is now to be treated by the lower ecclesiastical courts in the province of the other Court as if it were a decision which the other Court had itself taken. But what is the precise effect of this statutory wording? The moot problem required contestants to get to grips with the hierarchies of the ecclesiastical courts and to engage with complex and live jurisdictional issues: a truly educational experience.

The Temple Church provided a grand and fitting venue. The bench, comprising Ms Morag Ellis KC, Ms Naomi Gyane and Mr David Willink, subjected all finalists to forensic questioning.

One of the strengths of the Ecclesiastical Law Moot is undoubtedly the calibre of its judges. The competition offers students the opportunity to hone their advocacy before senior members of the judiciary – the very judges who might be deciding the moot issue in cases to come.

My sincere thanks to the bench, to Mark Hill KC, to my fellow contestants and to the Internal Mooting Sub-Committee of the Inner Temple Mooting Society. Participating in the moot was a wonderful experience. I would urge any student member of the Inns to put themselves forward next year.

*Right: Edward Dobson presenting the award to Hugh Jeffrey.*



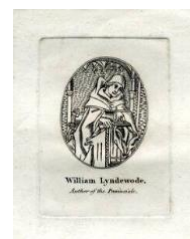
## LYNDWOOD LECTURE 2023 SPEAKER ANNOUNCED



The Ecclesiastical Law Society and the Canon Law Society of Great Britain and Ireland are delighted to announce that this year's Lyndwood Lecture will be on 'Sustaining the Church in the 21st Century' and given by the Rt Hon Dame Caroline Spelman.

Caroline Spelman served as the Member of Parliament for Meriden in the West Midlands from 1997 to 2019. From May 2010 to September 2012 she was the Secretary of State for Environment, Food and Rural Affairs. Dame Caroline served as Second Church Estates Commissioner from 2015 to 2019.

The Lyndwood Lecture is a biennial event, established in 1996, and organised alternately by the Ecclesiastical Law Society and the Canon Law Society of Great Britain and Ireland, takes its name from William Lyndwood (1375-1446), sometime bishop of St David's, a distinguished diplomat and canonist, most noted for the publication of the *Provinciale*, an early authoritative commentary on canon law.



The Society is grateful to the Rector and Churchwardens of St Mary-le-Bow Parish Church for hosting this. The cost to attend is £15. There will be a drinks reception after the lecture.



Bookings are now open – please register and pay using the form which will be made available [here](#) (bookings will close if the venue capacity is reached, or at 5pm on 13 November).



## **DANISH VISIT TO RELIGIOUS COURTS AND COUNCILS IN LONDON**

*Niels Valdemar Vinding, PhD, LL.M (Canon law) from the University of Copenhagen writes:*

In mid-May, a small delegation of Danish university researchers and social field practitioners had the distinct pleasure to visit religious courts and councils in London. Our delegation came to London to visit the London Beth Din at United Synagogue and The Islamic Sharia Council in Leyton, as well as a visit at the newly built Jehovah's Witnesses, as well as explore legal institutions in the Church of England. Amongst others, this brought our delegation on a tour through City of London to visit St Mary-le-Bow, St Stephen Walbrook, and St Helen Bishopsgate with Morag Ellis, Philip Petchey and Russell Dewhurst.

From a Danish point of view, the fact that the Church of England has such well-developed and significant judicial bodies is quite astonishing, and difficult to grasp for most. Our gracious hosts knew this of course, so they welcomed us to lunch in the Cafe Below in the Crypt of St Mary-le-Bow, and the Dean of Arches could perfectly pedagogically illustrate for us, why it had such a name and how it developed historically.

After lunch, we set out on foot to see the churches and to see with our own eyes, e.g., the Henry Moore altar and the architecture of Sir Christopher Wren.

This in many ways gave a full scope of the tensions and interests at play in the faculty jurisdiction between architecture and aesthetics, tradition and renewal, theology, and doctrine, as well as law and justice, and it all comes together in the Court of Ecclesiastical Causes Reserved.

The contrast to Denmark is striking. Our visit was motivated in exploring fully functioning religious courts and to explore new avenues for research in Denmark. We do have provisions for doctrinal courts in the Evangelical Lutheran Church of Denmark, and there is an occasionally convened Beth Din at The Jewish Community in Copenhagen. For Muslim institutions, there have been attempts to establish Sharia councils to help with marriage and divorce, as well as counsel and mediate on conflicts. However, none of these religious courts or councils have been studied to any clear extent, nor are their presence, function and jurisdiction understood in the public. Against the backdrop of political trends, this is an urgent challenge to research and to the courts themselves.

### ***Doctrine, discipline, and a host of new types of social cases***

In Denmark, we have heard and seen examples of misconduct, social cases, and religious abuse. There have been cases of imams allegedly meddling in divorces and public matters, there have been cases of misconduct by Catholic priests, as well as cases of abuse of power and religious authority in free churches. And there are still many lingering issues, such as the difficulties of Muslim women in obtaining a religious divorce and the coercive control that often follows in very complicated social cases. However, while some of these types of cases have been dealt with professionally and expediently – although some have certainly

not – there are two new challenges facing religious courts and jurisdiction. In both Denmark and United Kingdom, I think.

First, for some years, several Ministers of Justice have called for barring not just (perceived) Sharia courts, but all religious courts, as they are by some seen as ‘totalitarian lifestyle,’ ‘in-compatible’ with public law, ‘fundamentally theocratic’ and ‘obsolescent historical relics’, to paraphrase the opening remarks of Norman Doe’s *Comparative Religious Law: Judaism, Christianity, Islam* (CUP, 2018).

Second, a new wave of social cases is facing both Churches of Denmark and England, as well as all other religious communities. Conduct that was not widely addressed a generation ago is presently revisited in a new, critical light and in terms of a better understanding of the abuse, violations and neglect that has taken place, and perhaps still is. Measures such as safeguarding and requirements of mandatory reporting of suspected child abuse and neglect to government authorities, as well as whistle-blower measures, stricter codes of conduct, zero tolerance policies and more, are on the increase and certainly here to stay, and no doubt, we are better for it. The Independent Inquiry into Child Sexual Abuse illustrates these challenges well, as do the recent findings regarding John Sentamu, Stephen Sizer and others, each in their way.

Taken together, this leaves both a problem and a need for the religious institutions to explain themselves as they struggle to understand their past in a new light, to live up to the higher expectations and to defend the point of view of religious freedom, internal liberty to discipline and to demonstrate that they are surely part of our shared future.



*Above: lunch in the crypt*

### ***The task of scholarly research into religious courts.***

This is then our task in Denmark. While the religious institutions are realizing that they have to give a better and clearer understanding of how they work and what contribution they might have to wider society, it is the task of scholarly research not just to explore what kinds of religious courts we have and how they work, but also to critically explore shortcomings and misunderstandings that have to be remedied. As scholars, we are more critics than caretakers, but all parties have an interest in well-functioning institutions, clear guidelines and at proper judicial procedure when the courts do intervene. The alternative of banning religious courts might even be the worst option, as this would drive



some underground, and we would further loose transparency, governance and accountability, and the weaker parties would be even worse off.

The visit in London was a tremendous start to this research programme, and we got to hear about everything from faculty cases, mediation and conflict resolution, clergy and membership discipline, disfellowshipping, and much more. The next step is to consult and explore Danish religious communities and then to continue dialogue with Danish politicians and authorities, before publishing our white paper on Religious Courts and Councils in Spring 2024.

# DATES FOR THE DIARY 2023

Events open for booking so far include:

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



**David Etherington KC**  
*In Defence of the Chancellor*  
Details [here](#).

**Wednesday 11 October 2023 – online lecture at 5.30pm**



**Charlotte Gauthier**  
Church in England or Church of England? 'Ecclesia Anglicana'  
on the Eve of the Reformation  
Details [here](#).

**Wednesday 15 November 2023 – St Mary-le-Bow, London at 6.15pm**



**Rt Hon Dame Caroline Spelman**  
**Lyndwood Lecture 2023**  
Sustaining the Church in the 21st Century  
Details [here](#) and above.

**Wednesday 24 April 2024 – online lecture at 5.30pm**



**Professor Jan Hallebeek**  
“Introduction to the Canon Law of the Old Catholic Churches  
(Union of Utrecht)”  
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](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* has its own dedicated YouTube channel – you can sign up to subscribe and view past recordings of lectures and interviews [here](#).

Recent additions include:

**Rosalie Manning:** The Safe and Inclusive Church Commission in the Anglican Church of Southern Africa – view [here](#).

**Edward Day:** The Shape of Ordained Ministry in the Henrician Canons of 1535 – view [here](#).

And, in March 2023, the **Rt Revd Humphrey Southern**, former Bishop of Repton and now Principal of Ripon College Cuddesdon, gave a lecture to the Ecclesiastical Law Society, entitled ‘Called on the Mountain to serve on the Plain – Priorities for Ministry Formation.’ The lecture was hosted by the Parish Church of St Mary-le-Bow in London.

This event was not recorded, but the text of the bishop’s lecture can be downloaded [here](#).

## LEGISLATION UPDATE

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

### **Marriage and Civil Partnership (Minimum Age) Act 2022**

The [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#) came into effect on 27 February. No 16- or 17-year-old are now able to marry or enter a civil partnership in England and Wales under any circumstances, including with parental or judicial consent. The Explanatory Notes to the Act are [here](#).

### **Treasure (Designation) (Amendment) Order 2023**

The [Treasure \(Designation\) \(Amendment\) Order 2023](#) was made on 30 March and comes into force on 30 July. Newly-discovered artefacts will be defined as “treasure” under new criteria which include the most exceptional finds over 200 years old regardless of the type of metal of which they are made, so long as they provide an important insight into the country’s heritage. However, there are a number of ecclesiastical exemptions for objects which are subject to the faculty jurisdiction and found in or on land which is also subject to the faculty jurisdiction and held or controlled by an ecclesiastical corporation, PCC or Diocesan Board of Finance. Also exempted are any objects found in or under a cathedral church or within its precinct. The exemption only applies to finds made in connection with Church of England churches in England “and the small number of Church of England churches in Wales that remained within the Church of England when the Church in Wales was disestablished”. Finds connected with other Churches and faiths will still fall under the treasure process.

There is an associated draft code of practice, [here](#).

### **Draft Terrorism (Protection of Premises) Bill**

The Government has published the draft Terrorism (Protection of Premises) Bill: there is a link to the text of the draft Bill and the associated documents [here](#). The most important aspect of the Bill for places of worship is that the Government has kept to its undertaking that they will all be treated as “standard duty” premises – on which the compliance obligations are much less onerous – regardless of their capacity unless they impose an admission charge.

## **Parochial fees**

The [Parochial Fees \(Amendment\) Order 2023](#) was laid before Parliament on 28 February and came into force on 1 March. The Church's revised Tables of Parochial Fees are available as an [A3 table](#), an [A4 table](#), and a [Summary](#) which incorporates the A4 tabular material, including the Notes.

## **Data Protection and Digital Information (No. 2) Bill**

The [Data Protection and Digital Information \(No. 2\) Bill](#) was introduced in the House of Commons on 8 March and had its second reading on 17 April. In a [Written Ministerial Statement](#) on 8 March, Michelle Donelan, Secretary of State for Science, Innovation and Technology, outlined the scope of the Bill, which would *inter alia* “reform the way births and deaths are registered in England and Wales, enabling the move from a paper-based system to registration in an electronic register” – see Clauses 101 to 105.

## **Does government ‘do God?’**

[Does government ‘do God?’](#), the report by Colin Bloom, the Government's Independent Faith Engagement Adviser and a former Chair of the Conservative Christian Fellowship, was published in April under the auspices of DLUHC. Mr Bloom's brief was to make recommendations on how Government should engage with faith groups in England. It seems to have had a very mixed reception – and it was commissioned by the last Prime Minister but one.

## **Listed Places of Worship Grant Scheme**

The [Listed Places of Worship Grant Scheme website](#) has at last been redeveloped. The redeveloped site includes a new online application portal. It follows the same format as the existing PDF form but will be easier to process than downloading and completing a physical document. The option to use the old PDF version will remain, but the application portal is planned to be more efficient, with all the information and attachments uploaded and submitted in one place.

\*\*\*\*\*