



Ecclesiastical
Law
Society

NEWSLETTER
of
THE ECCLESIASTICAL LAW SOCIETY

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Jacopo di Cione and workshop
'The Resurrection: Upper Tier Panel', 1370-1
(The National Gallery)

NEWS & NOTICES

DAY CONFERENCE 2026 – BURIAL LAW AND CHURCHYARDS: FIT FOR THE FUTURE?

This year's ELS Day Conference will take place on Saturday 13 June 2026 between 10am – 5pm. Join us for the day at St Peter's Eaton Square, London SW1W 9AL.

The focus this year will be: *Burial Law and Churchyards: fit for the future?*



Speakers include Professor Lisa Webley, the Law Commissioner for Property, Family and Trust Law and will speak about the Law Commission Report which can be viewed [here](#).

She will be joined by Dr Julie Rugg, Senior Research Fellow at the University of York and Director of the Cemetery Research Group. She has published extensively on cemeteries and funeral practice.

Ian Blaney completes the line-up; Ian is a partner at LBMW, Registrar of the Diocese of Lincoln, Registrar of the Diocese of Derby and a notary public for ecclesiastical purposes. He is also Deputy Registrar of the Faculty Office of the Archbishop of Canterbury. Ian chaired the ELS working party that responded to the various Law Commission consultations on this subject.

Cost: £56 for members and £66 for non-members – to include all refreshments and lunch. You can book tickets [here](#).

EDITORIAL

As this Easter edition of the Newsletter goes to press, ecclesiastical law continues to develop in ways that are both substantial and exacting, requiring careful attention from those advising, administering and studying the law of the Church.

The implementation phase of the Clergy Conduct Measure, now anticipated later this year, marks a significant moment in the reform of clergy discipline. Much attention has rightly been paid to the Measure's objectives of proportionality, clarity and pastoral sensitivity; yet, as with all major reforms, it is the detail of the Rules and their application in practice that will determine whether those aims are fulfilled. Members of the Society will no doubt follow with interest the emerging jurisprudence and procedural experience that accompanies this transition from Measure to operational reality.

Safeguarding remains an area of sustained legal and institutional focus. The coming into force of new Safeguarding Codes of Practice, imposing a duty to comply rather than merely to have regard to guidance, represents a further recalibration of responsibility and accountability within Church structures. Alongside this, General Synod's consideration of future safeguarding arrangements at national level raises questions not only of structure but of legal coherence, governance and oversight — matters squarely within the Society's long-standing concern.

Within the faculty jurisdiction, recent consistory court decisions continue to demonstrate the adaptability of established principles to new pastoral and missional contexts. Cases arising from parish reorganisation, reordering for mission use, and shared occupation of church buildings underline the enduring importance of legal clarity in distinguishing between pastoral strategy and juridical decision-making. The courts' careful exposition of those boundaries serves as a reminder of the faculty system's constitutional role within the life of the Church.

At national level, the decision not to proceed at this stage with proposed reforms to the Church's governance structures has brought renewed attention to questions of constitutional balance, accountability and trust. The interaction between the General Synod, Parliament and the Ecclesiastical Committee remains a defining feature of ecclesiastical legislation, deserving of close and informed engagement.

Finally, ongoing discussions concerning worship, doctrine and discipline — particularly in the context of the Living in Love and Faith process — continue to illustrate the indispensable role of ecclesiastical law in holding together theological development, canonical order and constitutional principle.

The Trustees are grateful, as always, for the continued engagement of members with the Society's work, and for the scholarship and practical insight reflected in the contributions to this edition.

Wishing you all a very happy Eastertide.

Ed.

LATEST ELJ PUBLISHED: A ROUND-UP



The most recent edition of the Ecclesiastical Law Journal has recently been hitting our doormats. It includes stimulating articles reflecting the Society's seminal conference on Nicaea, held at Chichester Cathedral last year. Contributions from His All-Holiness the Ecumenical Patriarch Bartholomew, Professor Norman Doe, Bishop Christopher Hill, Dean of the Arches Morag Ellis KC, Professor of Theology and Literature and Canon Theologian Alison Milbank, the Revd Gerry Lynch, the Very Revd Christopher Cocksworth, Dean of Windsor, and Professor Mark Edwards. Commentary pieces are provided by the Revd Canon Neil Patterson and Archbishop Bernard Longley.

Regular pieces in terms of parliamentary and conference reports supplement the above, along with this season's book reviews and case notes.

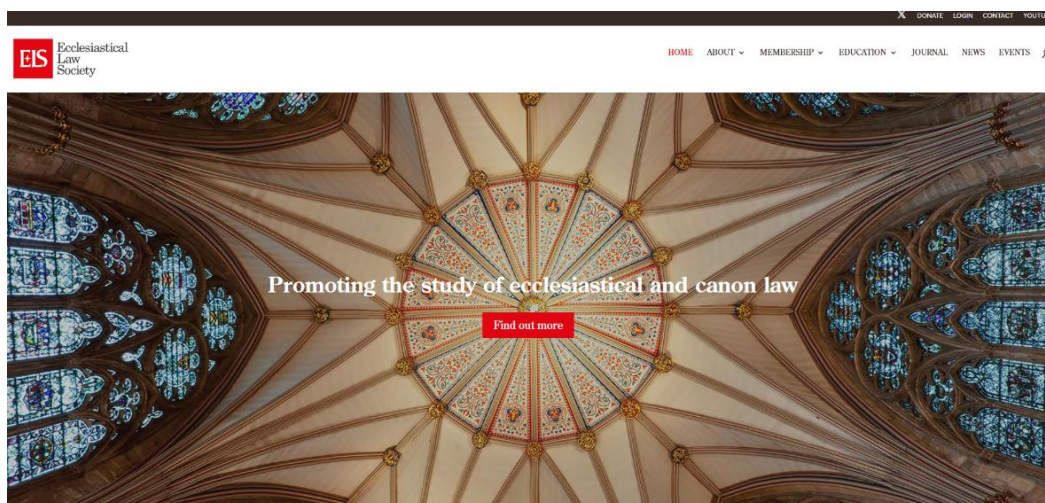
The latest edition has been published and sent to members of the Society who receive it without additional charge. Members have access to the entire run of Journal back issues online.

To use this facility, go to 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.



ELS WEBSITE

A reminder to readers that the ELS website, www.ecclawsoc.org.uk has a wealth of resources dedicated to advancing our charitable objects, which are to promote education in ecclesiastical law. In particular do have a look at our [Education](#) page, and be sure to check back regularly for upcoming talks and [Events](#)!



LEGISLATION UPDATE

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

Legislation on assisted dying

The Terminally Ill Adults (End of Life) Bill became completely bogged down in the House of Lords after about 1,000 amendments were tabled to it. Given that the current Session of Parliament is to end in May, both the promoters of the Bill and its opponents agreed that the Bill stood no chance of proceeding further. In the Scottish Parliament, the Assisted Dying for Terminally Ill Adults (Scotland) Bill fell at Stage 3, with 57 votes in favour, 69 votes against and one abstention.

On 26 February, Jersey's States Assembly approved the Draft Assisted Dying (Jersey) Law 2025 by 32 votes to 16. The draft Law is now awaiting Royal Assent – as is the Isle of Man's Assisted Dying Bill 2023, which was passed by Tynwald over a year ago, in March 2025.

Clergy Conduct Measure

After the Ecclesiastical Committee's meeting on 21 October to consider the Clergy Conduct Measure, in accordance with s3(4) Church of England Assembly (Powers) Act 1919 it communicated its report in draft to the Legislative Committee, on 30 October, concluding that the Clergy Conduct Measure was "not expedient". Its principal concern was section 31(3) of the Measure, which provides that the tribunal or court "is to sit in private except in a case where: (a) the respondent requests that the sitting be in public, (b) the tribunal or court is satisfied that it is in the interests of justice to sit in public, or (c) the rules provide for the sitting to be in public".

So it's goodbye to the Listed Places of Worship Grant Scheme

The Listed Places of Worship Grant Scheme came to an end on 31 March, having run out of funds for the financial year shortly before that. Its successor, the Places of Worship Renewal Fund, was announced by DCMS on 22 January. The new Fund will be worth £92m over four years but will only fund works to buildings in England; the Government subsequently said that funding for listed places of worship in Northern Ireland, Scotland and Wales was a devolved matter and that provision had been made for that under the Barnett Formula. From the subsequent complaints, it appeared that HMG had not told the devolved governments of its plans – or that is what they claimed.

At the time of writing, the details of the new Fund were emerging in dribs and drabs. What is definite, however, is that for the 2026-27 financial year and beyond, 20% VAT will be imposed on works to listed places of worship. In addition, it is a capital fund, which means that it will award grants for projects to cover capital works, rather than just the VAT element.

Gift Aid and the Digital Markets, Competition and Consumers Act 2024

In the last *Newsletter*, we mentioned concerns over the possible impact of the Digital Markets, Competition and Consumers Act 2024 on Gift Aid on online subscriptions to charities. In December, HM Treasury announced that that charities would continue to be eligible for Gift Aid on subscriptions following implementation of the Act and that, though new tax legislation might be necessary in due course, HMRC would be publishing interim guidance stating that where subscriptions are currently eligible under existing Gift Aid rules, they will remain so.

Scotland: hydrolysis as an alternative option to burial or cremation

The Hydrolysis (Scotland) (No. 1) Regulations 2026 and the Hydrolysis (Scotland) (No. 2) Regulations 2026 came into force on 2 March 2026; they will enable hydrolysis (aka “water cremation”) to be offered as an alternative option to burial or cremation – once, that is, a suitable plant for carrying out the process has been given planning consent, constructed and given approval by Scottish Water

Scotland: religious education

On 17 February, the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill, introduced to clarify the legal position on the withdrawal of pupils from religious observance in schools, was passed in a final stage three vote in the Scottish Parliament. The changes will align the relevant legislation with existing guidance on religious observance to strengthen alignment with the United Nations Convention on the Rights of the Child. Once brought into effect, it will strengthen pupils’ rights in relation to religious observance and religious and moral education.

Northern Ireland: religious education

On 3 February, the Northern Ireland Minister of Education made an oral statement to the Assembly on religious education in light of the judgment of the Supreme Court in *JR87, Re Application for Judicial Review* [2025] UKSC 40, in which the Court upheld the judgment of Colton J at first instance that religious education and collective worship in the school of the anonymised child applicant were not conveyed in an objective, critical, and pluralistic manner, contrary to Article 9 and Article 2 of Protocol 1 ECHR. He told the Assembly that it was now necessary for the Department to revise the core syllabus and he had published Terms of Reference for a review of the RE Syllabus.

Charities Act (Northern Ireland) 2008

The Northern Ireland Department for Communities has opened a consultation on amending the Charities Act (Northern Ireland) 2008. The consultation document, which includes a draft Bill, is the result of a review of the operation of the 2008 Act carried out in 2021. The Department has already concluded that the uncommenced section 167 of the Act (which would require institutions which are not charities under the law of Northern Ireland but which operate for charitable purposes in or from Northern Ireland to register there) should be repealed, on the grounds that doing so would avoid duplication of regulatory oversight and the imposition of disproportionate burdens on charities. The consultation closes on 24 April.

Human rights in the UK

On 19 March, the Equality and Human Rights Commission, the Scottish Human Rights Commission and the Northern Ireland Human Rights Commission issued a joint statement on the application of the European Convention on Human Rights, occasioned, it would appear, by the call last year from 27 Council of Europe member states, including the UK, to “re-balance” and “clarify” individual rights and state responsibilities in relation to migration. They urged the UK Government “to commit to no reduction in rights protections. The principle of universality is fundamental to human rights: rights that can be removed from some people are no longer rights for everyone”.

DATES FOR THE DIARY 2026

Details and dates of events and lectures (online and in person) will be published on our website as soon as details become available!

These seminars form part of our regular series of introductory 'bitesize' discussions of ecclesiastical law, focussed on the Church of England. They are intended to be accessible to everyone with an interest in the subject.

The introductory discussions are recorded and posted to our Youtube channel. In the second half, the discussion is opened up to all attending the seminar, and this part is not recorded.

The seminars last 30 minutes in total. They are open to members and non-members and are free of charge.

Bitesize Ecclesiastical Law #15 ***“What is an Archbishop?”***

21 April 2026, 5.30 – 6pm

We talk with Louise Connacher, Registrar of the Province and Diocese of York and the Diocese of Sodor and Man.

Book [here](#).

Bitesize Ecclesiastical Law #16 ***“What is a Licence?”***

12 May 2026, 5.30 – 6pm

We talk with Kirsty Duxbury, Diocesan Registrar for Worcester and Sheffield, of Anthony Collins Solicitors

Book [here](#).

Bitesize Ecclesiastical Law #17 ***“What is the General Synod?”***

16 June 2026, 5.30 – 6pm

We talk with Jenny Jacobs, Clerk to the Synod.

Book [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:

Bitesize Ecclesiastical Law:

“What is a Diocese?”

- We talk with Howard Dellar, Partner at LBMW and Registrar for Liverpool, Ely, and Bangor.

“What is the law of ordination?”

- We talk with the Rt Revd Moira Astin asks the Revd Raymond Baudon, Deputy Director of vocations and Assistant Diocesan Director of Ordinands for the Diocese of Southwark
