

ECCLESIASTICAL LAW SOCIETY

Lectures and Seminars 2012

Wednesday 18 January 2012 at 5.30 pm

London Lecture*

The Revd Dr Will Adam, Vicar of St Paul, Winchmore Hill
Legal Flexibility: The Forgotten Art of Dispensation

Saturday 3 March 2012 at 10.00 am

Day Conference: Emmanuel College Cambridge

See separate notice on inside back cover

Wednesday 14 March 2012 at 5.30 pm

London Lecture*

David Richbell and Dr Zaza El Sheikh, Mediators and Arbitrators
Belief in Mediation and Arbitration: A Practical Exploration of Alternative Dispute Resolution for Faith Communities and the Role of BIMA

Tuesday 29 May 2012 at 7.00 pm

Silver Jubilee Celebration: Lambeth Palace

Address by the Archbishop of Canterbury

Wednesday 8 June 2012 at 5.30 pm

London Lecture*

The Revd Dr Catherine Shelley, Assistant Curate of Kersal Moor
Beating Children is Wrong? A Biblical Approach

Wednesday 17 October 2012 at 5.30 pm

London Lecture*

Peter Foskett, Registrar of the Diocese of Bradford
Chancel Repair Liability: A Voyage of Discovery

* The January, March and (possibly) June lectures will be held at **Winckworth Sherwood** Minerva House, 5 Montague Close, London SE1 9BB. The October lecture will be held at **Serle Court**, 6 New Square, Lincoln's Inn, London WC2A 3QS. To reserve a place at any of the series of London Lectures contact Kathryn Barry at Serle Court, 6 New Square, Lincoln's Inn, London WC2A 3QS. Tel: 020 7242 6105. Email: kbarry@serlecourt.co.uk

For the ELS Day Conference and the Silver Jubilee Celebration contact Andrew Male, Administrator, Ecclesiastical Law Society, 1 The Sanctuary, London SW1P 3JT.
Email: male.andrew@sky.com

Faith Schools and the Law: A Comprehensive Guide

22 March 2012, London

6 Hours CPD

An invaluable guide
for lawyers advising
schools, pupils,
parents and staff

6 easy ways to book:

Book via our website
at www.clt.co.uk

Return to: The Registrar,
CLT Conferences,
Wrens Court,
52-54 Victoria Road,
Sutton Coldfield,
Birmingham B72 1SX

DX708700 Sutton Coldfield

Tel: 0121 355 0900
(ask for Registrar)

Fax: 0121 355 5517

Email: registrar@centlaw.com



9.00 Registration and Coffee

9.30 Chairman's Welcome and Introduction

Mark Hill QC, 3 Pump Court

9.45 What are Faith Schools and How are They Different?

- Voluntary aided, voluntary controlled and foundation schools
- Academies
- Free schools
- Independent church schools
- Governance - school and parent governors, diocesan boards

Edward Morgan, 9 St John St Chambers, Manchester

10.30 Admissions to Faith Schools

- Existing admission arrangements
- Implications of new admissions code
- Changes to appeals arrangements
- Home to school transport

John Chard, Schools Appeals

11.15 Coffee

11.30 Converting to an Academy

- The pros and cons for faith schools
- Corporate governance

Howard Dellar, Lee Bolton Monier-Williams

12.15 Faith Schools and Staff

- Recruitment and European legislation
- Disciplinary issues and discrimination - conduct in and out of the classroom

Alison Russell, 3 Pump Court

1.00 Questions

1.15 Lunch

2.15 Property Issues Affecting Faith Schools

- Relocation, redevelopment and the 'reverter' trap
- Site security - what powers do you have to limit access to school grounds?
- Shared use and commercial opportunities - what are the pitfalls?
- Staff accommodation - do occupation rights always end with their employment?

Malcolm Dowden, LexisNexis

3.00 School Uniform: Religious Dress and Symbols

- Relevant legislation (Article 9 ECHR and Equality Act 2010)
- Begum, Playfoot and Watkins-Singh
- The 'specific situation' rule
- Religious discrimination
- Race discrimination - G v St Gregory's Catholic Science College
- Indirect discrimination

Mark Hill QC, 3 Pump Court

3.45 Tea

4.00 Curriculum Issues

- School policies and religious belief
- Collective worship
- Religious education
- Sex education
- Discipline and exclusion

Mark Blois, Browne Jacobson

4.45 Chairman's Concluding Remarks and Questions

5.00 Conference Close

Fees

£415 + VAT CLT Members
£525 + VAT Non Members
£415 + VAT Education Sector

Ecclesiastical Law Journal

The *Ecclesiastical Law Journal* is published by the Ecclesiastical Law Society. Decisions on the publication of individual articles are at the discretion of the Editor subject to anonymous peer review by at least two experts in the particular subject. General policies of the *Journal* are developed in consultation with the Editorial Board. The views expressed in any article, review or other publications in this *Journal* do not necessarily accord with those of the Editor, the Editorial Board, or the Society as a whole.

General enquiries and articles submitted for publication should be addressed to the Editor: Professor Mark Hill QC, Ecclesiastical Law Journal, 3 Pump Court, Temple, London EC4Y 7AJ; Tel 020 7353 0711; Fax 020 7353 3319; E-mail: mh@3pumpcourt.com

Authors are reminded that they must follow the format set out in 'House Style', copies of which are obtainable from the Editor.

Books for review may be sent to: JDC Harte, Book Review Editor, Ecclesiastical Law Journal, Newcastle Law School, Newcastle University, Newcastle-upon-Tyne NE1 7RU; Tel 0191 222 7614; Fax 0191 212 0064; E-mail: j.d.c.harte@ncl.ac.uk

Matters relating to case notes should be addressed to: Ruth Arlow, Ecclesiastical Law Journal, 5 Temple Chambers, Temple Street, Swindon SN1 1SQ; Tel 01793 539899; Fax 0845 259 3242; E-mail: ra@3pumpcourt.com

Matters relating to synod reports and parliamentary activities should be addressed to: Frank Cranmer, 145 Marsham Court, Marsham Street, London SW1P 4LB; Tel 07774 981988; E-mail: fcranmer@dunelm.org.uk

Ecclesiastical Law Society

Inquiries with regard to membership of the Ecclesiastical Law Society or subscriptions to the *Journal*, including back issues, should be addressed to: Ecclesiastical Law Society, c/o 1 The Sanctuary, Westminster, London SW1P 3JT; Tel 020 7222 5381. www.ecclawsoc.org.uk

Matters relating to the educational role of the Ecclesiastical Law Society should be addressed to: The Revd Canon David Parrott, The Vicarage, Guildhall Yard, London EC2V 5AA; Tel 0207 600 9478; E-mail: vicarslj@aol.com

The Education Officer, for matters concerning theological colleges and courses, is: The Revd Dr Will Adam, St Paul's Vicarage, Church Hill, London N21 1JA; Tel 020 8886 3545; E-mail: ecclj@me.com

The *Ecclesiastical Law Journal* is included in the Cambridge Journals Online journals service which can be found at <http://journals.cambridge.org/elj>. For further information on other Press journals access <http://cambridge.org/journals>.

ISSN 0956-618X

ECCLESIASTICAL LAW SOCIETY

Silver Jubilee Day Conference

Church and State: International and Comparative Perspectives

Saturday 3 March 2012

Emmanuel College, Cambridge

To mark the Silver Jubilee of the Ecclesiastical Law Society and of the founding of the *Ecclesiastical Law Journal*, the Society returns to Cambridge, where its inaugural conference took place in 1987. Keynote lectures will be delivered by three of the most distinguished scholars in the field of law and religion, addressing developments over the past twenty-five years in the United Kingdom, Europe and North America.

Professor Julian Rivers

School of Law, University of Bristol, author of *The Law of Organised Religion*

Professor John Witte Jr

Director, Center for the Study of Law and Religion, Emory University, Atlanta

Professor Silvio Ferrari

Professor of Law and Religion, University of Milan

The conference will include Choral Eucharist in the College Chapel

The cost of the Conference is £45 (£60 for non members), to include buffet lunch with wine.

Early booking is recommended as numbers are limited. Booking forms may be downloaded from www.ecclawsoc.org.uk

Contact: Andrew Male, 1 The Sanctuary, London, SW1P 3JT male.andrew@sky.com

Contents

1 EDITORIAL

ARTICLES

- 5 The Spirit of the Canon Law and its Application in England

Eric Kemp

- 20 The Ecclesiastical Common Law: A Quarter-century Retrospective

Charles George

- 43 Synodical Government and the Legislative Process

Stephen Slack

COMMENT

- 82 The Genesis of the Society: Kemp, Moore, Routledge et al

Christopher Hill

- 87 The Early Years of the *Ecclesiastical Law Journal*

Michael Goodman

- 93 PARLIAMENTARY REPORT

- 100 SYNOD REPORTS

- 115 CONFERENCE REPORTS

- 121 BOOK REVIEWS

- 136 CASE NOTES

- 149 SILVER JUBILEE BIBLIOGRAPHY

Cambridge Journals Online

For further information about this journal please go to the journal's web site at:

journals.cambridge.org/elj



MIX
Paper from
responsible sources
FSC® C013436

CAMBRIDGE
UNIVERSITY PRESS