

WORKING PARTIES UP-DATE

FACULTY JURISDICTION (Convenor John Holden)

With a view to influencing the way legislation is framed for the purpose of amending and improving the provisions contained in the Faculty Jurisdiction Measure 1964, this working party is currently considering the question of the Consistory Court's control over the contents of churches and also the question of enforcement generally in relation to the faculty jurisdiction. Legislation is likely to come before General Synod in the fairly near future following the deliberations of the Faculty Follow-up Group which is charged with putting the Faculty Jurisdiction Commission's recommendations into statutory form. The working party intends to publish its conclusions before the draft legislation comes before General Synod for debate.

MARRIAGE AFTER DIVORCE (Convenor Ven. Alan Clark)

Following the failure of General Synod to accept Option G as presented to it by the House of Bishops, this working party has set itself the task of trying to provide some concrete proposals to be submitted as evidence to General Synod as a possible way forward when the subject next comes up for debate.

The working party is considering papers on such topics as the need for penitence and its liturgical expression; the forms of vows, their history and their dissolution; the parameters within which any consistent discipline must be exercised, given the attitudes of those who would be expected to observe it; consideration of the Canadian system of tribunals; and the need to find a balance between the law and the pastoral situation experienced in parishes. The working party hopes to publish its evidence in due course.

CLERGY DISCIPLINE (Convenor Chancellor Spafford)

The Church of England has made little headway in its attempt to find a suitable alternative to the draconian procedure contained in the Ecclesiastical Jurisdiction Measure 1963 and the now virtually abandoned pastoral approach contained in the Incumbents (Vacation of Benefices) Measure 1977. A sub-group of the working party is currently making a study of the way this problem is dealt with by various denominations, with a view to finding a viable alternative. Any information or ideas which might assist the sub-group should be sent to Mr C. A. Pearce at 1 The Sanctuary, Westminster, SW1P 3JT. A report by another sub-group suggesting a number of amendments to the existing legislation will be published in due course.

TRAINING FOR ARCHDEACONS (Convenor David Cheetham)

This working party is concerned with a really urgent problem as archdeacons are at present left to fend for themselves in discovering how to deal with their multifarious legal duties, and of course their role as pastoral counselors. There is an urgent need for a manual or handbook and for a book list including relevant legal material. There is also a need for sponsored day conferences to which chancellors, registrars and the Council for the Care of Churches might contribute. The working party hopes to come up with some practical proposals as soon as possible. Any suggestions should be sent to Mr Cheetham.

EDUCATION IN ECCLESIASTICAL & CANON LAW

(Convenor Ven. Hughie Jones)

Some twenty-two members of the Society registered their continuing interest in this subject at the Society's Conference in September. As a cross-section of the professions represented within the Society, they were able to pool their knowledge of the prevailing situation in academic and legal circles. While it remains true that there are no courses of legal training which even offer the option of ecclesiastical or canon law, it is also true that some universities are beginning to explore the possibilities of extension courses, on or off campus, for the benefit of those particularly interested in these subjects.

The group registered its intention to further the investigation by meeting in two sub-groups, one in Birmingham and one in London, at least once before the 1989 Nottingham conference, at which a full meeting would again take place. The agenda includes discussions with those universities and other academic institutions in England and Wales which have begun their own attempts to close the curriculum gap. The intention is to create an agreed syllabus of appropriate content, aimed at those likely to be involved in the administration of church law in all aspects. Attention will also be paid to the roles of theological colleges and post-ordination training schemes.

PROPOSED WORKING PARTY ON VISITATIONS

Although visitations are a well-established process in Western Canon Law, they have held a special place in the life of the Church of England since the late sixteenth century. Historians have tended to base their assessment of a bishop's competence on his assiduity in the conduct of them; at certain periods they appear to provide archdeacons with their sole *raison d'être*.

The visitation has had several purposes. One has been pastoral; Canon 137 of the Canons of 1604 states, specifically, that the visitation provides an opportunity for bishops and archdeacons to get to know their clergy and others. Van Espen stresses this pastoral aim in his comments on the visitations of rural deans (VISITATIO 1.39.). There was a time when the visitation dinner was an important social occasion.

A second purpose concerned enquiry into abuses, their correction, and, if need be, the punishment of those responsible. Section 83(2)(e) of the Ecclesiastical Jurisdiction Measure 1963, safeguards an archdeacon's visitatorial jurisdiction over lay persons holding ecclesiastical office which, arguably, could include readers and vicars choral as well as churchwardens.

A third purpose has been to instruct, and this is a duty laid particularly on a bishop, *Verbum Vitae seminando in Agro Dominico*, as The Constitutions of Otho put it. The expounding of doctrine has been expanded to include many matters to do with administration, and the relationship of the Church to Society and to the State. Canon 60 of 1604 assumes that Confirmation will be administered during the course of a triennial visitation; however, it would be incorrect to conclude that even in the seventeenth and eighteenth centuries bishops confined the administration of Confirmation to such occasions.

With all the changes that have taken place in this century, does the visitation have any further value? Confirmation was detached from the process long ago, a separation confirmed by Canon B27. An architect's quinquennial inspection should lead to a more thorough and informed enquiry into the fabric of a church or chapel. Archdeacons have many more opportunities for getting to know the clergy; a bishop's obligation to teach has largely been taken over by the various diocesan schemes for continuing lay and clerical training. Should visitation now take its place alongside compurgation and commutation of penance as archaic and obsolete? Or is the procedure still a useful working tool for bishops and archdeacons? If it is still valuable, should it be given a different purpose? Above all, what is the proper relationship between visitations and modern synodical government?

The diversity of modern practice is an indication of the confusion and uncertainty surrounding the purpose and conduct of visitations. Some bishops have neglected the practice. Some archdeacons cite only churchwardens, while others continue to cite both clergy and churchwardens. Some still require the churchwardens to produce a terrier for inspection; others do not. Some registrars attend; others do not. Archdeacons have the chance to discuss with each other at their regular regional meetings, but the rest of the Church is left feeling somewhat bemused by a diversity of practice which, at present, goes beyond any latitude that respect for local custom might accord.

Some very valuable work has been done recently by a local working party in the diocese of St Albans. Perhaps work has been done along similar lines in other dioceses; if so, we should like to know. The report of the archdeacons of St Albans, issued in March 1988, makes a number of recommendations which deserve serious consideration in other dioceses. But their working party had no wish to re-examine the rationale of visitation, and any consideration of episcopal visitation lay outside its brief. We submit that the Society should have a working party of its own to study the issue. Even if it produces no acceptable recommendations, at least it could inform the Church as a whole about what is actually taking place.

If anyone is interested please contact either:

The Reverend Michael Smith, St David's Vicarage, 95 Howell Road, Exeter EX4 4LH, or:

Dr Peter Smith, Department of Law, University of Exeter, Exeter EX4 4RJ.

DIOCESAN BOARD OF FINANCE MEASURE 1925

Would any member interested in bringing the Church's financial law up-to-date please contact:

John Bailey
 Diocesan Secretary
 Church House
 5 St Martin's East
 Leicester LE1 5FX (Tel 0533 27445)

The present Measure, certainly with regard to membership of Boards of Finance, and in relation to synodical government, is in need of revision. It would be interesting to explore possibilities with the help of interested members of the Society.