

0956-618X | VOL 27 NO 1 | JANUARY 2025

Ecclesiastical Law Journal

PUBLISHED BY CAMBRIDGE UNIVERSITY PRESS
ON BEHALF OF THE ECCLESIASTICAL LAW SOCIETY

Ecclesiastical Law Journal

Editor	Benjamin Harrison
Consultant Editor	Mark Hill KC
Book Review Editor	Russell Dewhurst
Case Notes Editor	David Willink
Parliament & Synod Editor	Frank Cranmer

EDITORIAL BOARD

Garth Blake AM SC Anglican Communion Safe Church Commission
The Reverend James Bradley Catholic University of America
Professor Ana María Celis Brunet Catholic University of Chile, Santiago
The Reverend Stephen Coleman Centre for Law and Religion, Cardiff University
Professor Norman Doe KC (Hon) Centre for Law and Religion, Cardiff University
The Right Worshipful Morag Ellis KC Dean of the Arches and Auditor
Professor Silvio Ferrari University of Milan
Charles George KC Former Dean of the Arches and Auditor
Professor Nazila Ghanea University of Oxford; UN Special Rapporteur on FoRB
Professor Richard Helmholz University of Chicago
Professor Douglas Laycock University of Virginia School of Law
Professor David McClean KC Former Chancellor of the Diocese of Sheffield
The Reverend Alexander McGregor Registrar and Chief Legal Adviser to the General Synod
Professor Javier Martínez-Torrón Complutense University, Madrid
The Reverend Dr Robert Ombres OP Blackfriars Hall, University of Oxford
Professor Julian Rivers School of Law, University of Bristol
Professor Dr Gerhard Robbers University of Trier
Professor Marco Ventura University of Siena
Professor John Witte Jr Center for the Study of Law and Religion, Emory University, Atlanta

Subscriptions

The *Ecclesiastical Law Journal* (ISSN 0956-618X) provides authoritative coverage and incisive commentary on the laws applicable to Anglican churches and other religions and faith communities from ecumenical, international, social, historical, theological and comparative perspectives. It is published three times a year in January, May and September. Three parts form a volume. The subscription price which includes delivery by air where appropriate (but excluding VAT) of volume 27, 2025, which includes print and online access, is £247 (US \$458 in USA, Canada and Mexico) for institutions and individual subscribers. Single parts are £95 (US \$176 in USA, Canada and Mexico) plus postage. EU subscribers (outside the UK) who are not registered for VAT should add VAT at their country's rate. VAT registered members should provide their VAT registration number. Japanese prices for institutions (including ASP delivery) are available from Kinokuniya Company Ltd, P.O. Box 55, Chitose, Tokyo 156, Japan.

Orders, which must be accompanied by payment, may be sent to a bookseller, subscription agent or direct to the publisher: Cambridge University Press & Assessment, Shaftesbury Road, Cambridge, CB2 8EA,

UK; or in the USA, Canada and Mexico: Cambridge University Press, One Liberty Plaza, New York, NY 100060.

Copying

This journal is registered with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923, USA. Organizations in the USA who are also registered with the CCC may therefore copy material (beyond the limits permitted by sections 107 and 108 of US Copyright law) subject to payment to the CCC of the per copy fee of \$15.00. This consent does not extend to multiple copying for promotional or commercial purposes. Code 0956-618X /19. ISI Tear Sheet Service, 3501 Market Street, Philadelphia, PA 19104, USA, is authorized to supply single copies of separate articles for private use only. Organizations authorized by the Copyright Licensing Agency may also copy material subject to the usual conditions. For all other use, permission should be sought from Cambridge or from the American Branch of Cambridge University Press.

© The Ecclesiastical Law Society 2025

Printed in Great Britain by Henry Ling Limited, The Dorset Press, Dorchester, DT1 1HD

Contents

EDITORIAL

- 1 *Benjamin Harrison*

ARTICLES

- 7 Unrepealed: why the *proviso* to Canon 113 of 1603 remains in force
Colin Podmore
- 26 That yew-tree's shade: the law relating to trees in churchyards
Philip Petchey
- 39 The canon law of the Old Catholic Churches (Utrecht Union)
Jan Hallebeek

COMMENT

- 54 The law of liturgy: a theological context
Martin Warner
- 60 The origins of liturgical lawlessness
Neil Patterson
- 68 Liturgy, law and the Diocesan Advisory Committee
Moirra Astin
- 72 The future of liturgy and law
Robert Atwell

REDISCOVERING ANGLICAN PRIEST-JURISTS

- 83 VII: Edmund Wood (1841–1932)
Robin Ward

SYNOD REPORTS

- 97 General Synod of the Church of England
Edward Dobson
- 99 Governing Body of the Church in Wales
Matthew Chinery
- 101 General Synod of the Church of Ireland
Cate Turner
- 103 General Synod of the Scottish Episcopal Church
John F Stuart
- 107 General Assembly of the Church of Scotland
Jason Lingiah
- 110 General Synod of the Anglican Church of Canada
Alan T Perry

PARLIAMENTARY REPORT

- 113 *Frank Cranmer and Simon Stanley*

CONFERENCE REPORT

- 116 The Twenty-Third Colloquium of Anglican and Roman Catholic Canon Lawyers:
Canon Law and Synodality
Norman Doe KC (Hon) and Robert Ombres OP

BOOK REVIEWS

- 121 Anglican Confirmation 1820–1945: From ‘Renewing the Baptismal Covenant’ to
‘The Sacramental Principle’
Review by Russell Dewhurst
- 122 Criminal-Inquisitorial Trials in English Church Courts: From the Middle Ages to
the Reformation
Review by Adam B Forsyth
- 124 The Oxford Handbook of Christianity and Law
Review by Robert D Marshall
- 127 The Church and Employment Law: A Comparative Analysis of the Legal Status of
Clergy and Religious Workers
Review by Jack Stuart
- 130 Peacemaking and the Canon Law of the Catholic Church
Review by Helen Costigane

CASE NOTES

- 133 *Edited by David Willink*