

## BOOK REVIEW

### *THE LAW OF THE PARISH CHURCH*

By SIR WILLIAM DALE

Butterworth paperback (6th Edition, 1989) £14.95

A review by the Revd. W. K. A. Hussey, sometime Vicar of  
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The review by the Archdeacon of Bath of the Second edition of Moore's *Introduction to English Canon Law* in the *Ecclesiastical Law Journal* of February 1988 begins by relating Owen Chadwick's point that when Martin Luther visited the parishes he took with him one theologian, and three lawyers, so great were the legislative changes at the Reformation; and continues by pointing out the volume of Measures, Orders, and Regulations in the past decade or so in our own Church.

Many a parish priest could echo this, and one or two have been heard to say that they need to approach certain matters, both pastoral and practical, with a lawyer if not in attendance at least to be consulted for advice.

For long a great help to the clergy has been Dale's *Law of the Parish Church*, the first edition of which was published in 1932. Now a sixth edition has been published in paperback rather than in the more familiar plum-coloured hardback of earlier editions. Despite the disclaimer in the preface that it might have lost some of the freshness of youth it remains as useful as ever, and it is to be hoped that it will be widely used, and by more than the clergy. I would hope that many P.C.C.s would not only buy it, but study and reflect upon it (as well as lend it to, or better buy another copy for, their incumbent).

A comparison with the 1946 edition shows that while there are the same number of chapters in the latest edition, the topics dealt with are not always the same; and obviously the contents of many have changed. So there is no longer a need for a chapter on Tithe, nor does there need to be even a passing reference to what is called 'the lugubrious subject of ecclesiastical dilapidations'. The Preface is slightly longer in this new edition but explains well some of the changes that have taken place in ecclesiastical law.

The first two chapters ('Introduction' and 'Institutions of Church Government') should be read by many laity, especially those holding office. The first gives an explanation of why and how the Church of England is called the 'established' Church and some of the implications of this; the second makes clear a complicated subject and what sometimes seems to be the almost convoluted way in which things get done or decisions reached. Only a few days before writing this I had had to explain to a small group of people of differing Christian traditions how the Church of England works, and some of its methods of internal working.

The third chapter ('The Incumbent') begins with some useful definitions, for example, of a benefice, team and group ministry, as well as explaining how patronage now works (set out more fully in part of the Appendix).

Other chapters deal with Parochial organisations, Churchwardens and Sidesmen (and incidentally lays to rest that lingering idea that the word 'sidesman' is a corruption of 'synods man'), the Duties of the Incumbent and Rights of the Parishioners in relation to the Church Services. The Organist, Choir, Parish Clerk and Sexton have a chapter, as do the Finances of a Parish. Now that the P.C.C. has responsibilities not only in finance, but towards the Fabric, Ornaments and Furniture of the Church; and towards the Churchyard it is good to have chapters on these; even to have one on Sittings in the Church and the Maintenance of

Order, (which is still needed regrettably in some churches on certain occasions, as at Christmas Midnight services). One hopes however that this is not anywhere near as bad as at some times past, when it is alleged that visitation instructions of 1565 for the diocese of Coventry and Lichfield required Churchwardens to choose four to eight in each parish who would take an oath to maintain order during services – in effect acting as bouncers.

The final two chapters are on Churches not Parochial and Chapels of Ease, and on the Ecclesiastical Courts and their Jurisdiction.

How is all this of help to a parish priest, especially one either fairly new to his incumbency or to one with a scattered benefice where much has to be shared with laity? Would it help with questions I had been asked over the years? I, not a lawyer myself, found this very helpful. Only recently I had been asked in conversation whether a parish priest could or should marry in his church those who wished to marry there but who were unbaptized (though otherwise eligible), and whether a parish priest had to allow someone else to officiate in his church to marry someone divorced. And a churchwarden dealing with pastoral matters (including marriage) during an inter-regnum could find much to help.

Usefully the book prints as appendices some of the Measures, Acts, and Orders that bear on this, including the Church of England Assembly (Powers) Act of 1919, the Parochial Church Councils (Powers) Measure of 1956, the Churchwardens (Appointment and Resignation) Measure of 1964. It is a sign of the times that already since publication, the Church Representation Rules and Parochial Fees Order (1988) as printed have been further amended or altered. Moreover the incumbent who hopes to get a grant from the local authority towards improvement or repair (as suggested on p.28) may well find that his local authority has little or no money to spare, or has very stringent conditions for its disbursement.

There are those who say they regret that law has any place in the Christian life. Some law is inevitable in an established Church; rules are necessary moreover in a Church such as the Church of England. Congregations must not forget that they hold their Church buildings, for example, on trust for other generations. The way in which rules can be used and explained pastorally are well set out in this book to enable the church to function, and to prevent the idea getting about that a particular action is merely the Vicar's own idea.

At a time when some other books on parish work seem to be ceasing to be available, it is good to have this.

### NOTICE

“Memorials by Artists” which was reviewed in the last issue of the Journal (1990) 2 Ecc. L.J. 120, is obtainable from Harriet Frazer, Snape Priory, Saxmundham, Suffolk, IP17 1SA. Price £1.75 including postage.