

LEGAL OPINIONS CONCERNING THE CHURCH OF ENGLAND
CIO (1994) xxi + 247pp (Looseleaf £5.95) (7th edition)
ISBN 0-7151-3756-5

A review by Chancellor Francis Aglionby

Since 1924 the Legal Advisory Commission, formerly the Legal Board, has, when asked, given written advice on legal questions in non-contentious matters. Those opinions considered to be of general interest have from time to time been published. The 7th edition was published in March 1994.

Seventy-nine opinions are included in this edition, which has been thoroughly revised by deleting those which have ceased to be of contemporary usefulness. The opinions cover an enormously wide range of subject matter: from liability for personal accidents in churchyards to change of name at confirmation, from employment status of those involved in ministry to the status under listed building legislation of church halls attached to churches, and from parochial investments and property to copyright and performance protection. The sheer variety of topics covered is not only a tribute to the versatility of the members of the Commission, but also a warning about the complexity of ecclesiastical law and its interlocking relationship with the general law of the land. All involved in church administration would be wise to obtain a copy for reference.

A number of warnings about this publication are necessary. First, each opinion was given in response to a request. Sometimes, but not always, it is not difficult to discern with reasonable accuracy the specific point raised. It would have been helpful, where appropriate, for the question or point raised to have been set out, so that the reader can appreciate the ambit of the opinion, which is not necessarily a statement of the whole of the law on the topic.

Secondly, legal opinions can become dangerously misleading when the law is subsequently changed. Indeed there have been changes since publication. Thus the opinion on churchyards and the ecclesiastical exemption from listed building planning law needs to be read in the light of the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994, and that on improper removal of contents of churches not declared redundant in the light of the happy abolition of the legal consequences of sale in market overt. It would have been more helpful if the date of each opinion had been given as a reminder of the possibility of change of law taking place after it had been given.

Thirdly the table of contents does not set out the subject matters of the various opinions. For that one must refer to the index at the back. In fact they appear in the alphabetical order of the first words of the titles. Although the index is full and clear, an initial overview of the contents would have assisted the reader as well.

Supplements in the form of additional opinions are promised annually, if possible. It is to be hoped that any significant change in an existing opinion will also be noted. Readers would be well advised to apply for such supplements.

These comments are minor matters compared with the breadth of learning and clarity of expression displayed in the publication. The authors collectively are to be congratulated warmly for their work. The Church of England is indeed fortunate to be able to turn for free advice of such calibre whenever necessary.