



Ecclesiastical Law

Ecclesiastical Courts

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The Church of England is a church “by law established” with a long history. Some of its decision making is done by courts applying the law of the land as it concerns the church.

Each diocese has a court which exercises control over any changes to certain types of church land and buildings, including many churches and churchyards. This is known as the ‘consistory court’ (or, in Canterbury diocese, the ‘commissary court’). The consistory court issues ‘faculties’ which are permissions authorising physical and other changes to buildings and land which are ‘consecrated’ – i.e. set aside for the worship and service of God by a legal act known as ‘consecration’.

Changes to cathedrals are dealt with separately by a body called the Cathedrals Fabric Commission for England.

Allegations of misconduct by members of the clergy are dealt with in bishops’ disciplinary tribunals (or the vicar-generals’ courts in the case of bishops and archbishops).

Occasionally, there is an appeal from a consistory court or a disciplinary tribunal. Appeals are heard by different courts, depending on the subject matter of the case. Most appeals are heard by the Court of Arches in the Province of Canterbury and the Chancery Court in the Province of York, but, very rarely, faculty or disciplinary cases involve a matter of doctrine, ritual or ceremonial and appeals in those cases are heard by the Court of Ecclesiastical Causes Reserved. The final courts of appeal are, from the Arches and Chancery Courts, the Judicial Committee of the Privy Council and, from the Court of Ecclesiastical Causes Reserved, a Commission of Review. No cases have, in fact, gone to the Privy Council or a Commission of Review in modern times and the Court of Ecclesiastical Causes Reserved has only sat twice.

Chancellors

Each consistory court is presided over by a judge known as the ‘chancellor’ who is appointed by the diocesan Bishop, having been approved by the Lord Chancellor. Most chancellors also appoint deputies to assist them in their work either generally or on specific cases. Chancellors and their deputies are part time judges who are paid statutory rates for the work they undertake.

A chancellor must by law be a communicant member of the Church of England, and must generally meet the criteria for appointment as circuit judge in the secular courts – basically, this means experienced judges and other adjudicators, barristers and solicitors and those who have worked in legal education, as academics and people who have worked in the voluntary legal sector. But subject to those legal requirements, appointment is open to all and is not restricted to those of any particular area of secular practice or educational background. Chancellors are the King’s judges and, like their secular colleagues, they take the judicial oath, as well as an oath confirming their belief in the Christian faith as set forth in the Bible and the Church of England’s historic formularies – the thirty nine articles of religion, the book of common prayer and the ordinal.

Set out below is a selection of the profiles of current chancellors and deputy chancellors, some of whom also sit as panel members in Clergy Discipline Tribunals.

Lyndsey de Mestre KC, Chancellor of St Albans and York Dioceses



Lyndsey de Mestre grew up in the North East of England and the Midlands, attending Church of England state schools and benefitting greatly from time spent in local churches. She read law at Downing College, Cambridge and practices as a barrister in London specialising in international commercial, company and insolvency law, including over 15 years’ appointment to the Attorney General’s panel of specialist counsel. Working part time for many years following the birth of her two children and combining care for them with her commercial and government practice, in 2018 Lyndsey took silk. In the same year, she trained as a mediator and arbitrator and the focus of her practice has since been on ADR.

She is a KC chair of the Eastern Regions police misconduct panels, Bishop’s disciplinary panels and the Bar Tribunals and Appeals Service. In 2023, she was appointed Chair of the Bar Inn’s Conduct Committee in recognition of her professional discipline work.

Outside the Bar, Lyndsey has served as director of Hammersmith and Fulham MIND, a member of the government’s Advisory Committee on Clinical Excellence Awards and has led work to support displaced Afghan judges in finding university placements and jobs in the UK. Lyndsey is the Bar Council’s lead on menopause and acts as a mentor to support recruitment and retention of women at the Bar.

Lyndsey is the Chancellor of the Dioceses of St Albans and York. From 2020-2023, she served as Chancellor of the Diocese of Leicester. Recently, she has been delighted to be involved in mentoring work aimed at assisting the pool of ecclesiastical judges to better reflect the society it serves and to ensure that any barriers, real or perceived, are removed.

John Murray, Deputy Chancellor of Chichester and York Dioceses



Born to an Irish mother and Jamaican father of the Windrush generation, John was educated at state primary and comprehensive schools, Middlesex Polytechnic, The College of Law in Chester, and Lincoln University. He qualified as a solicitor in 1988 and, after a few years as a litigator with Colchester firm, Sparling Benham & Brough, he entered local government legal service, where he worked for 12 years.

Since 2003, John has been a government appointed planning inspector; a quasi-judicial role, which allowed him to build on experience gained in local government through appeal proceedings, prosecutions, and High Court matters. During this time, John has conducted countless public inquiries, hearings and written appeals concerning diverse planning matters. There are strong parallels with the faculty jurisdiction but, for a lifelong member of the Church of England, the need to further local mission whilst safeguarding the heritage assets with which the Church is blessed, provides a fascinating additional challenge.

District Judge Araba Obodai, Deputy Chancellor of Blackburn Diocese



Araba Obodai spent her early childhood in Sierra Leone, West Africa. She read law at Manchester University and, on graduating, went on to the College of Law in Christleton, Chester. She then spent her legal career in practices in and around Manchester, specialising in business and property work. In 2000, she was appointed as the first black and only the third female President of Manchester Law Society.

She was appointed as a Deputy District Judge in 2001 and a District Judge in 2005. She is the lead Business and Property (“BPC”) District Judge in Manchester and one of two nominated BPC Intellectual Property and Enterprise Court (IPEC) Judges. She is a Judicial College Civil Course Director for Civil Continuation and Deputy District Judge Inductions and a Tutor on the Specialist Course. She is part of the International Team of the Judicial College tasked with training the Zambian Judiciary to set up their own Judicial College. She is also the Supervising Training Judge for the in-court training of newly appointed Deputy District Judges on the Northern Circuit in Manchester and an Appraising and Mentor Judge.

Cain Ormondroyd, Chancellor of Winchester Diocese



Cain was educated at state schools in Lancaster and went on to study history at university, before completing a postgraduate diploma in law at the University of the

West of England. He practises as a barrister from chambers in London, specialising in planning and land valuation, and combines his professional work with caring responsibilities for his young family of three boys. His wife is a priest in the Church of England.

He was appointed Chancellor of Winchester Diocese in 2017 at the age of 35, making him one of the youngest ecclesiastical judges ever appointed.

The Church of England, and the Ecclesiastical Judges Association, are keen that there should be no barriers to the appointment of chancellors and deputies on merit from a diverse range of backgrounds.

Potential applicants for these roles, especially those from historically disadvantaged and under-represented groups are encouraged to contact **eccjudges@churchofengland.org** to obtain details of the mentoring and support available to aspiring chancellors and deputies.

Chairs of Clergy Disciplinary Tribunals

Clergy Discipline Tribunals are comprised of a legally qualified chair who sits with two clergy members and two lay members. They hear complaints about serious misconduct made against clergy when such complaints have been referred by the President of Tribunals to a tribunal hearing. The President and Deputy President must be people qualified to be appointed as circuit judges, although the President has always been a Judge of the Court of Appeal and the Deputy a serving judge.

The current President is Dame Sarah Asplin, who is a Lady Justice of Appeal and her Deputy is HHJ David Turner KC.

Appellate judges

The permanent judge of the Court of the Arches/Chancery Court is called the Dean of the Arches and Auditor. When sitting in the Court of Arches or Chancery Court, the Dean/Auditor is joined by two chancellors in faculty appeals and, in disciplinary appeals, two clergy members and two lay members drawn from an appointed panel.

There are two Vicars General, one each for the Provinces of Canterbury and York. Like the Dean/Auditor, the Vicars General are ex-officio members of General Synod. Their courts deal with an important aspect of the legal process of appointing bishops known as ‘confirmation of election’. They also hear clergy discipline complaints involving bishops or archbishops.

Morag Ellis KC, Dean of Arches and Auditor



Born in Essex, Morag read law at Cambridge, becoming the first member of her family to go to university and is currently studying for an LLM in canon law at Cardiff University. She practises as an independent barrister, specialising in planning and environmental law at Francis Taylor Building.

Morag is Dean of the Arches and Auditor and also serves as an ex-officio member of the Church of England’s legislative and deliberative body, the **General Synod**, sitting on the **Legal Advisory Commission** and as chair of the Rule Committee, preparing certain types of legislation. She sometimes takes the lead in introducing new draft legislation to General Synod and liaises with external partners such as Historic England and the Department of Culture, Media and Sport.

Morag is also a Kings Counsel Church Commissioner and a lay canon at St Paul's Cathedral. She is married to a self-supporting priest, has three adult children and still lives in Essex.

Timothy Briden, Vicar-General of Canterbury



Timothy Briden has been Vicar-General of the Province of Canterbury (and member of the House of Laity of the General Synod, ex officio) since 2005. He was appointed Chancellor of the Diocese of Bath and Wells in 1993, and Chancellor of the Diocese of Truro in 1998.

In addition to his judicial roles, he is a member of the Legal Advisory Commission and of the Rule Committee (constituted under the Ecclesiastical Jurisdiction and Care of Churches Measure 2018). He is a trustee of the Clergy Rest Fund. He was in private practice as a barrister from 1976-2016, specialising in ecclesiastical law, personal injury and clinical negligence cases.

HH Peter Collier KC, Vicar-General of York



Peter Collier was born and grew up in what was then the East Riding of Yorkshire. After reading law at university and completing the Bar Finals, he practised as a common law barrister from chambers in Leeds. His practice developed in crime and public family law and he became a QC in 1992. He was the Leader of the North Eastern Circuit from 2002-2005.

He started sitting as a part time judge when he became an Assistant Recorder in 1984. His first ecclesiastical judicial role was in 1992 when he became Chancellor of the Diocese of Wakefield, and then he added the Diocese of Lincoln in 1998. In 2006, he gave up those two dioceses and became Chancellor of the Diocese of York, and in 2008, he was appointed as the Vicar-General of the Province of York.

In 2007, he became the Resident Judge of Leeds Crown Court and occupied that post until his retirement in 2018. In 2023, he retired as Diocesan Chancellor but remains actively involved in the legal life of the Church of England as Vicar-General, York. He is currently involved in the revision of the Clergy Discipline system through the General Synod and he is leading a Working Party of chancellors looking at the potential revision of Diocesan Churchyard Memorial Regulations.

He has lived in York for the last 51 years, and for the last 46 years in the same house. He is actively involved in the life of the Church as a Lay Reader and is also on the Chapter of York Minster.

Notices

Chancellors, Deputy Chancellors and Tribunal Chairs have been saddened by news of the death of Araba Taylor in December 2023. Araba was a Tribunal Chair, Deputy Chancellor of the Diocese of Southwark and Deputy Commissary of the Diocese of Canterbury. She will be greatly missed. May she rest in peace.

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