

applicant's request, nor any decline in the standards of meals served to the other prisoners. [Matthew Gibson]

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Re Scholemoor Cemetery, Bradford

Bradford Consistory Court: Walford Ch, January 2011

Exhumation – no exceptional circumstances

Applying *Re Blagdon Cemetery* [2002] Fam 299, the chancellor held that a desire to fulfil the wish of the petitioner's mother that her husband's ashes should be placed with hers did not amount to exceptional circumstances such as to justify the exhumation and removal of his cremated remains from one cemetery to another. The chancellor held that 'a wish (however understandable) to reverse a decision made several years ago, which although regretted since was perfectly valid at the time it was made, is not sufficient, in my judgment, for these purposes'. [Alexander McGregor]

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Hall and Preddy v Bull and Bull

Bristol County Court: HHJ Rutherford, January 2011

Discrimination – Equality Act – religious belief

The claimants brought an action against the defendants under the Equality Act (Sexual Orientation) Regulations 2007 for a declaration and damages for discrimination on the grounds of their sexual orientation. The claimants were two men who were in a civil partnership who had, by telephone, booked a double room at the defendants' hotel. The defendants ran their hotel (which was also their home) along Christian principles and their policy, which was stated in clear terms on their website but of which the claimants were unaware, was to let double rooms only to heterosexual married couples. On arrival at the hotel, the defendants refused to allow the claimants to use a double room. Both parties relied upon their rights under Articles 8 (right to respect for their private and family life) and 14 (right not to be discriminated against) of the ECHR. The defendants relied upon their right to manifest their religion under Article 9 of the ECHR. The judge accepted that the running of an hotel along Christian principles could be regarded as manifesting one's religion. The judge held that the claimants had been directly and indirectly

discriminated against on grounds of their sexual orientation contrary to regulation 3 of the Regulations, which he held were not inconsistent with the ECHR. The judge gave permission to appeal. [RA]

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Re St George, Tombland

Norwich Consistory Court: Arlow Dep Ch, January 2011

Public notice – advertising consent

A faculty was granted for the installation of heritage interpretation panels on the perimeter wall of the church. In re-opening the petition, the deputy chancellor upheld the objections of local residents challenging the display of the external public notice in the church porch, which was, at times at least, behind locked grille gates, stating that the notice had not been ‘readily visible to the public’ pursuant to rule 6 of the Faculty Jurisdiction Rules 2000. Repetition of the public notice period was directed. The deputy chancellor stated that the grant of advertising consent did not carry the same weight in faculty applications as did the grant of planning permission, given the lack of a public consultation process for the former. [RA]

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Re St Andrew, Alwalton

Ely Consistory Court: Jones Dep Ch, January 2011

Exhumation – churchyard regulations – reinterment – ECHR

The petitioner and her family objected to the enforcement by the incumbent and PCC of the chancellor’s churchyard regulations in so far as that involved the removal of items, such as vases, that had been placed on the plot containing the cremated remains of the petitioner’s late husband. The petitioner accordingly sought a faculty for the exhumation of the cremated remains on the basis that she would then retain them at her own home until she herself died. The deputy chancellor held that the petitioner’s objection to the enforcement of the churchyard regulations did not amount to a special reason for departing from the norm that Christian burial was permanent. Even if, as the deputy chancellor was prepared to assume, the petitioner had been mistaken as to precisely what might be permitted in terms of the placing of flowers and containers in the churchyard, the churchyard regulations did not completely prohibit the placing