

- vi. The lack of treatment for bTB; and
- vii. The difficulty in providing facilities for bio-hazard-free isolation of infected animals.

Reasons iii, v and vii were forwarded as considerations by the Court of Appeal as to why the alternatives to slaughter, such as isolation, could not be justified. The Court of Appeal considered that the expertise of the Chief Veterinary Officer, as well as that of other official veterinary experts, was to be preferred on the issue of public health. Thomas LJ stated that it was unnecessary for the Minister to research or to spell out in any greater detail the effect on the community's religious beliefs because she had proceeded to make her decision on the assumption that the interference with the community's Article 9 rights would be serious and grave.

Case note supplied by Jeremy A Brown

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Re St Peter and St Paul's, Chingford

Arches Court of Canterbury: Cameron, Dean; Kaye and Tattersall Chs,
July 2007

Telecommunications – pornographic material

Pulman Ch had dismissed a petition for the installation of telecommunications equipment in the tower of the church on the basis that it was wrong for a church to facilitate transmission of pornography to mobile telephones, or to gain financial advantage thereby, however slight or modest. The court heard fresh evidence, including the use of filtering techniques used by network providers. The court noted that, if the network provider used the church to enhance its network, then it would be making material more readily available to people within the catchment area, but it did not follow that they would thereby be actively promoting pornography. The responsibility for accessing the Internet and the choice of site lay with the individual. The argument that no mobile phone equipment should be placed in the church unless and until all pornography was excluded was rejected on the basis of the advantage to adults and children of having good reception when communicating. The court concluded that the chancellor had failed to carry out any balancing exercise at all in this case and that therefore it could consider the matter afresh. The court identified that the risk to children associated with the Internet is that they may view pornography or be drawn into sexual abuse. The court identified the filtering techniques available to parents and the telecommunications companies and concluded that they were a reasonable and welcome response to countering the

risk to children. The court went on to consider the possibility of adults accessing pornography and ruled that to bar something which will be of benefit to the public generally because there was a risk that some will be able privately to access material that many Christians and others deplore is to take an unbalanced approach. A more balanced approach would be for Christians to work in conjunction with others at improving standards of sexual morality in society generally. The court granted the faculty, subject to conditions, *inter alia*, that the company should apply a filter by default on Internet content identified to the operator as unsuitable for customers under 18. [JG]

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R (on the application of Playfoot) v Governing Body of Millais School

High Court: Michael Supperstone QC, July 2007

School uniform – freedom of religion – ‘silver ring thing’

The applicant, a student of Millais School, sought judicial review of the decision of the school’s governing body not to permit her to wear a ‘purity’ ring as a symbol of her Christian commitment to celibacy before marriage. She maintained that the school’s prohibition of jewellery breached her right under Article 9 of the European Convention on Human Rights to manifest her religious belief of abstinence before marriage through the wearing of a ring, known as the ‘silver ring thing’.²

Though reminiscent of the earlier case of *R (on the application of Begum) v Head Teacher and Governors of Denbigh High School* [2007] 1 AC 100, concerning the wearing of a jilbab in school, the present case dealt more directly with the question of what constitutes a ‘manifestation’ of a belief under Article 9. The court found there to be no manifestation of belief in this instance, as the wearing of the ring was not ‘intimately linked’ to her belief in chastity before marriage. The applicant conceded that she was under no strict obligation to wear the ring but merely felt compelled to wear it. The judge held that there was no interference with the applicant’s Article 9 right, as she voluntarily accepted the uniform policy, the prohibition of jewellery being well known. Nonetheless, it was further contended by counsel for the applicant that the ring was not jewellery but constituted a religious artefact and was not covered

2 The SRT Group, which operates as a not-for-profit corporation, was founded in the USA as a means of educating mainly teenagers on the benefits, spiritual or otherwise, of sexual abstinence until marriage, through evangelical Christian messages. On successful completion of the ‘SRT434’ educational programme, candidates are offered the chance to purchase a silver ring as an outward sign of their inner commitment, but with no obligation to wear the ring whatsoever. See <<http://www.silverringthing.org.uk/FAQShow.asp?ID=14>>, accessed 13 October 2007.