

crucial questions remained whether the rule really deterred forced marriages and whether its impact on unforced marriages was disproportionate and discriminatory. It was held that there was a lack of evidence that rule 277 would prevent forced marriage and that in some cases it could make the situation more difficult for those forced to marry. In addition, the rule had a discriminatory impact on younger spouses and religious and ethnic groups where people tended to marry younger. The impact on the unforced marriages of younger applicants was a disproportionate interference with their Article 8 rights. The Home Secretary had failed to establish that the measures were no more than necessary to fulfil her objective and that they struck a fair balance between the interest of individuals and the community. The measures could not be justified and the appeal was dismissed. [Catherine Shelley]

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Re St Anne, Turton

Manchester Consistory Court: Tattersall Ch, October 2011

Confirmatory faculty – churchyard – bench

A faculty had been sought (but not yet granted) for the erection of a bench in the churchyard in memory of the petitioner's father (the deceased). After the diocesan advisory committee (DAC) recommended the works, the petitioner had gone on to erect a bench that fell outside the terms of the faculty sought. It was larger than permitted, incorporated two lengthy memorial inscriptions and had a horizontal memorial plaque erected next to it, beneath which the cremated remains of the deceased had been buried without authority. The archdeacon applied for a faculty for the removal of the bench and memorials and the exhumation and re-interment elsewhere of the deceased's remains. The petitioner petitioned for a confirmatory faculty in respect of the bench and memorials but sought the exhumation and re-interment of the deceased's remains as agreed with the archdeacon. The PCC and other parishioners objected to the latter petition. The chancellor, having previously granted a faculty for the exhumation and re-interment of the deceased's remains, refused a confirmatory faculty and directed that the bench and memorials should be removed by the petitioner, or, in the event of his failure to do so, by the churchwardens at the petitioner's expense. The chancellor granted a faculty for the erection of a bench in accordance with the DAC recommendation and in the event that the same was not erected within six months the base to the bench should be removed and the area made good either by the petitioner or at his expense. [RA]

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