Worship Registration Act 1855 as a 'place of meeting for religious worship'. It was not, therefore, a 'registered building' within section 26(1)(a) of the Marriage Act 1949 and no application could be made under the 1949 Act for it to be registered for the solemnisation of marriages. The Registrar General had refused to register the chapel under the 1855 Act on the grounds that it was not, in fact, a place for 'religious worship' because in *R v Registrar General ex parte Segerdal* [1970] 2 QB 697 the Court of Appeal had upheld the rejection of an application to register another such chapel precisely on the grounds that the activities carried on within it did not constitute 'worship'.

The claimants argued that the understanding of Scientology as a religion had developed since 1970; that the meaning of a place 'for religious worship' in what was now a more obviously multi-faith society had broadened; that the effect of the Human Rights Act 1998 and the Equality Act 2010 meant that the distinction drawn by the Court of Appeal in *Segerdal* between Scientology and a non-theistic religion such as Buddhism was no longer tenable; and that the current practice of registering Buddhist and Jain temples as places of religious worship while refusing to register Scientologists' chapels was discriminatory. Ouseley J dismissed the claim, primarily because he regarded himself as bound by *Segerdal*, but suggested that his decision might properly be appealed: 'Forty years on from *Segerdal*, the Court of Appeal may find the route at least to reconsider its decision in *Segerdal* with the fuller material now available.' [Frank Cranmer]

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Re Christ Church, Fenton
Lichfield Consistory Court: Eyre Ch, 1 January 2013
Lead theft – lead alternative – time-limited faculty

The Grade II listed church had been subject to repeated lead thefts over a number of years. Much of the roof lead had now been replaced with alternative materials. The north aisle roof had had approximately two-thirds of its lead stolen. The vicar and churchwardens now sought a faculty to remove the remaining lead and replace it with Sarnafil. Steps were to be taken to ensure that the appearance of the Sarnafil would approximate that of lead as closely as possible. Sarnafil was said to have a life expectancy in excess of 25 years, but was not recommended as a roofing material in the Church Buildings Council Guidance Note on the issue. The Diocesan Advisory Committee recommended the works, stating that the roof was not prominent in any key view. There had been no objections in response to publication of the proposals, save that

English Heritage and the Amenity Societies, which preferred the use of terne-coated steel, were only prepared to countenance the use of Sarnafil on the basis that it was a temporary and reversible solution and urged that the faculty only be granted for a period of 10 years.

The chancellor refused to impose the time limit on the faculty on the basis that to require the removal of the Sarnafil before the expiry of its natural life span would be wasteful and an inappropriate stewarding of resources. He further chose not to impose any condition in relation to any future roofing material, stating that such questions were a matter for determination by the Consistory Court at that time, having regard to circumstances prevailing then. [RA]

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Eweida and others v United Kingdom
European Court of Human Rights, 15 January 2013
Freedom of religion – workplace – Christian symbols – civil partnerships

The Court considered four conjoined cases involving the right to manifest one's religion under Articles 9 (thought, conscience and religion) and 14 (prohibition of discrimination) of the European Convention on Human Rights. Ms Nadia Eweida, Ms Shirley Chaplin and Mr Gary McFarlane relied on Article 9, taken alone and in conjunction with Article 14 (prohibition of discrimination), while Ms Lillian Ladele complained only under Article 14 taken in conjunction with Article 9.

Ms Eweida, a check-in clerk employed by British Airways (BA), had been suspended from work for wearing a visible cross on a chain, in contravention of the company's uniform policy, but had later been reinstated after BA had decided to allow the display of authorised religious symbols, including the cross. However, BA had refused to compensate her for loss of earnings during her suspension. The Court of Appeal had held that BA's refusal to allow her to wear her cross had not been indirect discrimination contrary to the Employment Equality (Religion or Belief) Regulations 2003 ('the 2003 Regulations') because inconvenience to a single individual did not constitute a disadvantage that 'puts or would put *persons* of the same religion or belief … at a particular disadvantage when compared with other persons' for the purposes of the Regulations.

Ms Chaplin, a nursing sister, had refused on religious grounds to stop wearing a crucifix necklace with her uniform, contrary to the Royal Devon and Exeter Foundation NHS Trust's health and safety policy (based on Department of Health guidance) that 'No necklaces will be worn to reduce the