the following century. The church was to be replaced by a new multi-purpose church centre and hall. Planning permission had been granted. The petitioners argued that the unhappy incongruity and limitations of the building hampered the church's mission in the parish and created significant obstacles to the growth of the congregation. The condition of the building meant that large sums would have to be spent in order to put it in an acceptable state of repair and the petitioners maintained that that money was better spent on a newly designed building which would meet the needs of the parish. The bishop had consented to the proposals. The only objections to the scheme were from the Victorian Society and a small number of local objectors. The Victorian Society argued for the retention of the existing church building. Concerns were also raised about the preservation of the finer fittings and stained glass.

The chancellor found that the preconditions for the grant of a faculty for demolition under section 17 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 had been satisfied. The church was not a building of special architectural or historic interest, although some of the windows and furniture had some significance. The chancellor observed that demolition was the last option to be considered but in this case found that to retain the existing building would prevent the parish from developing their mission. An alternative, piecemeal development of the existing building would not overcome the problems currently experienced and the need for purposeful mission rebutted the presumption against change. The chancellor granted the faculty on condition that the significant glass and furnishings should be incorporated into the new building and on condition that no works would commence until funding was in place for the proposals. [RA]

doi:10.1017/S0956618X16001290

Re Hamat

Upper Tribunal (Immigration and Asylum Chamber): UTJ Jordan, 12 April 2016

[2016] UKUT 286 (IAC)

Illegal immigrant – de facto imam – Article 9 rights of his congregation

Mr Hamat, an Afghan, had been working as the de facto imam of the Afghanistan Islamic Cultural Centre (AICC). He was an illegal immigrant: his asylum claim and subsequent appeals were dismissed and reconsideration of his application was refused. However, Singh J had allowed him to pursue one final challenge, identifying a double failure to address Article 9 ECHR and section 13 of the Human Rights Act 1998. The decision of the lower tribunal

https://doi.org/10.1017/S0956618X16001307 Published online by Cambridge University Press

was set aside and the Article 9 and section 13 points then came before the Upper Tribunal in the present proceedings.

The judge noted that this was one of the few cases that raised Article 9 and section 13 as a distinct and separate challenge to the Secretary of State's removal decision, and that that was the only element of the appeal that was pursued before him. There was little dispute about Mr Hamat's voluntary work for the AICC: helping and advising on Islamic issues, organising and leading prayers, reciting the Qur'an during Ramadan and pastoral work. He was not permitted to take up paid employment. In response, the Secretary of State had contended that Mr Hamat was not absolutely irreplaceable and that there was a public interest in removing those who had flouted immigration law.

UTJ Jordan pointed out that section 13 put freedom of thought, conscience and religion in a distinct category of protection and created a statutory right independent of Article 9: no other Convention right was afforded that treatment and it applied to organisations as well as to individuals. Nevertheless, he concluded that, although the views of the AICC and its members had to be taken into account in assessing the public interest criteria, the public interest in Mr Hamat's removal outweighed the keen interest shown by the AICC and its membership in retaining him. The appeal was dismissed. [Frank Cranmer]

doi:10.1017/S0956618X16001307

Re St Maughold, Maughold and South Ramsey
Sodor and Man Consistory Court: Tattersall Ch, 13 April 2016
Memorial – ante-mortem – Buddhism – inscription

The petitioner, a Buddhist for 50 years, sought a faculty to erect a memorial in the shape of a Buddhist stupa in his local parish churchyard, with an inscription bearing his name, year of birth and death and the words 'He wanted green dandelions'. He petitioned before his death so as to save his wife from having to court controversy in seeking to implement his wishes once widowed. His wife, a practising Anglican and member of the Parochial Church Council and choir, wished to be buried in the churchyard and he wanted them to be buried together. The petitioner had a right to burial in the churchyard. He claimed that the inscription was a Zen Buddhist koan. The memorial was within the dimensions prescribed by the churchyard regulations and had been sculpted by a master stone carver. The petition was supported by the incumbent, the burial authority, the archdeacon and the Diocesan Advisory Committee but was opposed by an objector. The objections included concerns that erecting a memorial of this size and on a vacant plot would set a dangerous precedent.

https://doi.org/10.1017/S0956618X16001307 Published online by Cambridge University Press