The original Tribunal had therefore been entitled to conclude that the relationship between Mr Stewart and the Church went beyond the spiritual level and amounted to a legal agreement. The appeal was dismissed.[3]

Case note supplied by Frank Cranmer

doi: 10.1017/S0956618X07000543

Re All Saints Beckley
(Chichester Consistory Court: Hill Ch, November 2006)
Exhumation – exceptionality

B died in 1996 and was buried in a double depth grave. It was intended that his wife would be buried with him when she died. Mr and Mrs B's son died in 1999 and his ashes were interred in the same plot. Mrs B died in November 2006. To bury her coffin would have involved the 'technical exhumation' of her son's ashes. As no faculty had been applied for, the funeral proceeded but no interment could take place. In fact, the grave digger moved the ashes whilst preparing the plot. The chancellor granted a retrospective faculty identifying the speed with which the application was made, the mistake that must have taken place when the ashes were interred, the support from the clergy and laity, the exceptional nature of the application and the emphasis now given to family graves. [JG]

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Gallagher v Church of Jesus Christ of Latter-day Saints
(Court of Appeal: Mummery, Jacob and Neuberger LJJ, November 2006)
Rating – exclusion – use as place of public worship

The Church of Jesus Christ of Latter-Day Saints appealed against a preliminary determination by the President of the Lands Tribunal about the extent to which various buildings at Temple Way, Chorley should be excluded from the rating list pursuant to paragraph 11 Schedule 5 to the Local Government Finance Act 1988 (c 41), which exempts from business rates

> a place of public religious worship which belongs to the Church of England or the Church in Wales . . . or is for the time being certified as required by

3 The full transcript is available at <http://www.bailii.org/uk/cases/UKEAT/2006/0293_06_2710.html>, accessed 15 December 2006.

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