

### **Re Christ Church, Walshaw**

Manchester Consistory Court: Tattersall Ch, September 2010

*Memorial – heart-shaped – black granite – PCC objections*

The daughter of the deceased petitioned for a faculty for the installation on the grave of the deceased of a memorial which did not comply with the diocesan churchyard regulations or the PCC's churchyard policy in that the proposed stone had a 'heart' shape cut in the top of it and was of honed black granite. A number of similar memorials had been placed in a particular area of the churchyard in the past and the PCC's churchyard policy stated that the PCC would object to further such memorials being erected on the basis that the relevant area would otherwise expand indefinitely. The PCC objected to the proposed memorial on the basis that it would set a precedent for future memorials and of pastoral concerns in relation to existing memorials. The DAC did not object to the proposed memorial. The chancellor indicated that the objection to the shape of the memorial would not be determinative of the faculty but that the use of gloss black granite would be inappropriate. He accepted the submission of the PCC that, despite the presence of similar memorials in that area of the churchyard, to authorise the introduction of such a memorial by way of faculty would create a precedent for the introduction of similar memorials in future. He further took account of the fact that to permit this memorial would be likely to cause perplexity and resentment to previous applicants for memorials who had amended their proposals in order to conform to the regulations and policy. The petition was refused and permission was given to the petitioner to apply for approval of a memorial constructed of a different material. [RA]

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### **Obst v Germany; Schüth v Germany**

European Court of Human Rights: September 2010

*Employment – dismissal – church doctrine – Article 8*

Obst was European Director of Public Relations for the Church of Jesus Christ of Latter-day Saints (LDS). His contract of employment included Church membership as a requirement, a 'good behaviour' clause and the sanction of dismissal on loss of membership. Schüth was a Roman Catholic parish and deanery musician whose terms of employment included the provision that a serious breach of ecclesiastical principles would be good reason for dismissal without notice. Both had extramarital affairs and were dismissed from their respective posts. In June 1985 the Federal Constitutional Court had determined that the Churches could require their employees to maintain the teachings and basic obligations