

CASE NOTES

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Barrister, Deputy Chancellor of the Dioceses of Chichester and Norwich

Re St Mary, Longdon

Worcester Consistory Court: Mynors Ch, November 2010

Public right of way over churchyard

In granting a faculty for the erection of a sign in a churchyard marking a public right of way, the chancellor reviewed the conflicting authorities on rights of way over consecrated ground. In reliance upon the decisions in *Re Bideford* [1900] P 314 and *Re St Martin le Grand, York* [1990] Fam 63, the chancellor concluded that a public or private right of way could be granted over a churchyard, although only with the authority of a faculty. In cases where the right of way had been exercised over a very long period it might be that the grant of a faculty was to be presumed in the absence of contrary evidence. [RA]

doi:10.1017/S0956618X11000524

Shergill v Purewal

High Court, Queens Bench Division: Gray J, December 2010

Defamation – stay – non-justiciable

In an application to stay libel proceedings, the defendants argued that the libel was non-justiciable as it required the court to deal with doctrinal and religious issues arising in the Sikh community. The alleged libel was published in articles in the *Panjab Times* stating that the claimant, a prominent member of the Sikh community, had abandoned Sikh principles and sought to foment violence and intimidation at Gurduwaras in Oldbury, Bradford and High Wycombe. The claimant's conduct was said to be in support of a Sikh leader whose legitimacy was being contested in the courts in India and within the UK Sikh community. The defendants argued that the matters raised in the articles were unavoidably doctrinal and therefore non-justiciable by a secular court. The claimant argued that the articles were libellous in relation to allegations of intimidation and