against a finding that they had discriminated unlawfully against the respondent civil partners by refusing to honour their booking for a double-bedded room, contrary to Regulation 4(1) of the Equality Act (Sexual Orientation) Regulations 2007. They contended that they had consistently restricted double-bedded rooms to married couples only – a policy that, prior to the arrival of the respondents, had affected only unmarried heterosexual couples – and that, because their policy was about sexual *practice* rather than sexual *orientation*, there had been no direct discrimination. They accepted that the Regulations equated civil partnership with marriage but only where the discrimination was based on sexual orientation – an interpretation of their behaviour that they rejected. They argued that the court had been wrong to find direct discrimination contrary to Regulation 4(1), contending that it was their religious objection to a particular form of sexual conduct that was the basis for the restriction, as evidenced by the fact that many unmarried heterosexual couples had been affected by it. Rafferty LJ did not consider that the appellants faced any difficulty in manifesting their religious beliefs under Article 9 ECHR; they were merely prohibited from so doing in the commercial context they had chosen. She held that the respondents had suffered direct discrimination. The chancellor concurred: Mr and Mrs Bull were not obliged to provide double-bedded rooms at all, but, if they did so, then they must be prepared to let them to homosexual couples, at least those in a civil partnership, as well as to heterosexual married couples. Hooper LJ concurred, but entered the brief but important caveat that it mattered not in law whether the homosexual couple were in a civil partnership or not. [Frank Cranmer]

doi:10.1017/S095661 8X12000543

Re St Mary the Virgin, Wimbledon
Southwark Consistory Court: Petchey Ch, February 2012
Ornament – superstition – votive candle stand

The rector and churchwardens petitioned for a faculty authorising the introduction of a votive candle stand. The PCC unanimously supported the proposal. One parishioner objected to the proposals (without becoming a party opponent) on the grounds that the use of such candles smacked of superstition and should be discouraged rather than encouraged. Following *In re St John the Evangelist, Chopwell* [1995] Fam 254, the chancellor held that votive candle stands were lawful in principle and that their use was not necessarily, or likely to be, superstitious. Accepting that there was a pastoral case for the provision of a candle

stand and that there was overwhelming support for it in the parish, the chancellor directed that a faculty should issue. [Alexander McGregor]

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Re St Alkmund, Duffield
Derby Consistory Court: Bullimore Ch, March 2012
Rood screen – theology

The incumbent and churchwardens sought a faculty for the re-ordering of this Grade I listed church, including the relocation of a nineteenth-century chancel screen which was part of a substantial Victorian re-ordering. The Victorian Society, English Heritage and the Society for the Protection of Ancient Buildings objected to the relocation of the chancel screen. The theological tradition of the parish was evangelical and the PCC and incumbent found the screen 'intrusive'; they wanted to remove it to create a more visible space for the worship band. The petitioners argued that the screen contravened Anglican understandings of justification by faith and Christ's sacrifice as set out in Articles 7, 11, 15 and 28 of the 39 Articles of Religion through Old Testament theology about sacred space and altars. The chancellor refused to permit the relocation of the chancel screen, on the basis that the necessity for the change was not made out. In dealing with the theological arguments raised by the petitioners, the chancellor observed that, while arguments based on theological and doctrinal grounds are deployable in the consistory court, their use is not to be encouraged. Such arguments are often likely to increase periods of correspondence and consultation, as well as lengthen hearings and judgments. Chancellors should be robust in using their case management powers to rule out the use of such arguments unless persuaded that they would be likely to have an important effect on the outcome of the case. Although the 39 Articles form part of the doctrinal basis of Anglicanism, their application to the issues arising in faculty matters is likely to be controversial and disputable, and reliance on them may generate more heat than light. [Catherine Shelley]

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Re St Mary, Stoke Newington
London Consistory Court: Seed Ch, March 2012
Pews – Georgian Group

The parish had two churches, the Old Church, a Grade II* listed building from 1563, and the New Church, built in 1858 and re-opened in 1958 following repairs