relation to its disposal. He gave directions for a hearing and there heard evidence that the petitioners' proposals had always expressly included the permanent removal of the font and its replacement with a more appropriate font. The archdeacon and DAC, who recommended the proposals, had, over the course of a number of visits and meetings, believed that the font was to be replaced. The chancellor accepted their evidence that the petitioners had acted in the honest belief that the faculty had permitted the disposal of the font.

The advice of the Church Buildings Council on the disposal of fonts was sought but they declined to comment further than to suggest that, pursuant to Canon F1, the font should be put beyond use after its removal from the church. The chancellor noted the decision of the Court of Arches in *Re St Peter, Draycott* [2009] 3 WLR 248, where it was held that the prohibition on alternative uses of the font bowl under Canon F1 ceases to apply once a font is redundant or superfluous and is no longer used for the administration of baptism. The chancellor referred to the two sacraments ordained of Christ as set out in Article XXV of the *Thirty Nine Articles of Religion*: baptism and the Eucharist. He noted the special status accorded to sacramental objects used in those two sacraments in section 76 of the Mission and Pastoral Measure 2011 (and its predecessors) and held that, when determining petitions relating to fonts, altars and communion plate, the court should give particular regard to their heightened sacramental significance and symbolism. Their previous sacramental use would be a reason for particular care being taken when deciding on any conditions to be imposed in the event of disposal.

The chancellor was satisfied that there was no legal or other requirement for a redundant font to be put beyond use. The font bowl was to be retained pending an application within three years for the introduction of an appropriate replacement set of liturgical furniture. The remaining concrete and marble cladding could be disposed of in such manner as the archdeacon might authorise, including it being dumped in landfill. A confirmatory faculty was given for the introduction of a temporary font. [RA]

doi:10.1017/S095661 8X16000971

TH v Chapter of Worcester Cathedral & anor
Administrative Court: Coulson J, 17 May 2016
Bell-ringer – inappropriate behaviour – sanctions – Article 8 ECHR

The claimant was a member of Worcester Cathedral's guild of ringers. After investigations by the cathedral chapter and advice from the Local Authority Designated Officer (LADO), it was concluded that the claimant had behaved inappropriately with children and young people, though there was no suggestion

https://doi.org/10.1017/S0956618X16000983 Published online by Cambridge University Press

of criminal behaviour. In February 2015, the chapter revoked his membership of the guild and permission to ring at the cathedral (the first decision) and the bishop invited him to sign an agreement that placed conditions on him ringing bells in all other churches within the diocese (the second decision). The five substantive issues between the parties were these:

i. The jurisdiction issue: did the decisions trigger a claim under Article 8 of the European Convention on Human Rights (ECHR) and/or were they amenable to judicial review?
ii. If so, was the claim in respect of the first decision out of time?
iii. If so, was the second decision a decision for the purposes of judicial review?
iv. The substantive issue: had an Article 8 or judicial review claim been made out?
v. Were the decisions procedurally flawed?

On the jurisdiction issue, Coulson J concluded that neither the chapter nor the bishop was a hybrid public authority for the purposes of section 6 of the Human Rights Act 1998 and Article 8 ECHR. Neither had stepped into the shoes of the local authority; instead, they had consulted the local authority through the LADO. Neither was exercising any sort of governmental or public administration function: the chapter was concerned with who would be permitted to enter the tower to ring the cathedral bells, while the bishop was giving pastoral advice to the incumbents in his diocese. The LADO was consulted because, unlike the defendants, he was exercising a statutory function; a body that consulted a public authority did not then take on the legal responsibilities of that public authority. The defendants had no statutory powers in respect of safeguarding, neither was subsidised by public funds and neither was democratically accountable. Nor would the United Kingdom would be liable at Strasbourg for the alleged breach. The defendants' decisions were therefore not amenable to judicial review. In addition, the claim for judicial review in respect of the first decision was out of time.

The judge found that the second decision was one that could be challenged, but the Article 8 claim failed because, inter alia, the findings of fact and the sanctions imposed were proportionate and the judicial review claim could not, therefore, hope to succeed. Because he had found against the claimant in respect of every element of the alleged Article 8 claim, the separate claim for judicial review at common law also failed. As to the allegations that the first decision was unlawful because it was in breach of the rules of natural justice and therefore procedurally flawed, the allegations of actual or apparent bias, predetermination and inadequate disclosure were all rejected on the facts. The claim was dismissed. [Frank Cranmer]

doi:10.1017/S0956618X16000983

https://doi.org/10.1017/S0956618X16000983 Published online by Cambridge University Press