University of Leicester Archaeology Services and the Richard III Society. All were content for the re-interment to take place in Leicester Cathedral, save that the Chapter of York Minster, which had initially agreed to that plan, maintained a neutral position at the hearing. The views of the descendants of the king were not sought and the challenges of the claimant centred around the failure of the relevant bodies to consult those descendants.

In determining whether the claimant had standing to pursue an application for judicial review, the court noted that the relationship of those represented by the claimant (sixteenth-, seventeenth- and eighteenth-generation descendants) to Richard III was attenuated in terms of time and lineage such that it might not suffice for personal standing to be established. Nevertheless, the court held that, given the public interest in this exceptional case, the claimant had raised points of broader public interest such as to give it standing as a public interest litigant.

The court dismissed the claims against the city council and the university as bound to fail on the basis that the university was at no stage exercising a public function in relation to the re-interment, and the city council had no duty to consult or power to intervene once the licence had been granted and the remains had been removed from its land. In relation to the claim against the secretary of state, the court held the secretary of state had carried out sufficient enquiry to be able to grant the licence without seeking further information by way of public or familial consultation. The secretary of state had known that there could be no close relatives and that, in addition to those represented by the claimant, the potential descendants might number in the millions. There was no duty to consult arising from any established practice of consulting in such circumstances. Any additional duty to consult arising from the exceptionality of this case had been discharged by the secretary of state ensuring that he was sufficiently aware of the views of sovereign, state and the Church. Given the clear understanding that there were only two possible contenders for the location of re-interment, Leicester Cathedral and York Minster, and that the rival arguments were well known, there was no sensible basis for a requirement of general public consultation. The application was dismissed. [RA]

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Re St Michael, Michaelchurch Escley
Hereford Consistory Court: Ockleton Dep Ch, 30 May 2014
Bells – tuning

The deputy chancellor was asked to reconsider his decision excluding the proposed tuning of the bells from his grant of a faculty permitting other works. The diocesan advisory committee and the diocesan bells advisor supported the proposed tuning. The bells consisted of a complete ring by a single

founder and had been in the church untuned since their installation in 1732. In upholding his original decision, the deputy chancellor set down the following reasons: the tuning of bells is irreversible; the maintenance of the same sound as heard over centuries is something to be valued; tuning is a matter of taste and fashion; tuning would not be ruled out if, for example, the sound of the bells was so bad as to affect the mission of the church; the mere fact that the bells are not listed for preservation is not a reason for not preserving their sound where the work is not shown to be necessary; the tuning of a complete old ring is a serious matter; and where a good case is made there may need to be a balance struck between the asserted needs of the present and the desirability of preserving the past. Where no case is made at all, there can be no reason to destroy the heritage. [RA]

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Shergill and others v Khaira and others
Supreme Court: Lord Neuberger PSC, Lords Mance, Clarke, Sumption and Hodge JJSC, 11 June 2014
Sikh charity – trustees – justiciability

The ninth claimant contended that, as the 'successor' to the First Holy Saint of Sikhism and, therefore, the spiritual leader of the Nirmal Sikh community, he had the power to remove and appoint trustees of two gurdwaras used by members of that community. The Court of Appeal had agreed to strike out the claim on the grounds that it was being asked to pronounce on non-justiciable matters of religious doctrine and practice and had subsequently refused leave to appeal on the same grounds. However, in doing so it had acknowledged that the matter was ultimately for the Supreme Court – which duly gave leave.

The Supreme Court allowed the appeal unanimously. On the issue of the justiciability of matters of religious doctrine, the court noted the *dictum* of Lord Bingham in *R (Gentle) v Prime Minister* [2008] 1 AC 1356 to the effect that, although there were issues which judicial tribunals had traditionally been very reluctant to entertain because they recognised their limitations as suitable bodies to resolve them, if a claimant sought enforcement of a legal right the courts had the power to decide the matter. The court noted that in both England and Scotland judges would not adjudicate on the truth of religious beliefs or on the validity of particular rites; however, where a claimant sought the enforcement of private rights and obligations that depended on religious issues, a court might have to determine such religious issues as were capable of objective assessment.