

near-violence and contained no doctrinal issues. He also argued that, alternatively, the libellous allegations could be severed from any matters of doctrine and tried separately on their merits. As to the substance of the case, the defendants pleaded justification and argued that the claimant had no genuine interest but was bringing proceedings to silence criticism. Following the earlier decision of Eady J in *His Holiness Sant Baba Jeet Singh Ji Maharaj v Eastern Media Group & Singh* (2010) Ecc LJ 411 (concerning the same individual), which in turn relied on Gray J's previous ruling in *Blake v Associated Newspapers* [2003] EWHC 1960 QB, a stay was granted on the basis that the court could not adjudicate on matters of religious doctrine. The issue of justification raised by way of defence could not properly be argued without reference to the doctrinal dispute at the heart of the dispute as to the leader's legitimacy. [Catherine Shelley] *This case is reported at* [2010] EWHC 3610 QB.

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Re St Columba, Warcop

Carlisle Consistory Court: Tattersall Ch, December 2010

Sale of painting – redundancy

The petitioners sought a faculty for the sale of a late seventeenth-century Netherlandish painting. The painting had been given to the church in the 1920s or 1930s and had hung in the vestry until 1957, when it was removed to a museum. Its estimated value was £25,000 to £35,000. The PCC, whose annual income and expenditure were each in the region of £15,000, was in debt in the sum of £20,000 as a result of recent works that included the provision of a kitchen and a disabled-access lavatory. The petitioners put their case on the basis that the painting was redundant, 'being of no practical use to the church'. The chancellor applied the principles stated by the Court of Arches in *Re St Peter, Draycott* [2009] Fam 93. In concluding that he should exercise his discretion in favour of the petitioners, the chancellor held that no useful purpose was served by the church continuing to own the painting, which should be treated as if it were redundant; it had no significant connection with the church; it had no significance in terms of the worship of the church nor any connection with the local community; the financial resources of the church were extremely limited and there was a 'significant financial need' to discharge the PCC's indebtedness. The chancellor went on to hold that, in addition, there was a 'financial emergency', given that the church's debts were 'highly unlikely to be discharged in the immediate future in the absence of the sale of the

painting'. A faculty was granted and the proceeds of sale were to be applied to the church repairs account. [Alexander McGregor]

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Jakóbski v Poland

European Court of Human Rights: December 2010

Prisoner – Buddhism – meat-free diet – Article 9

The applicant was convicted of rape in June 2003 and sentenced to eight years' imprisonment. He made numerous requests to be served meat-free meals in accordance with his dietary requirements as a Buddhist. The prison eventually agreed to provide him with a pork-free diet in January 2006, as it did for six Muslim prisoners. In April 2006 a prison doctor considered the applicant's dermatological problems had subsided and that the pork-free diet could be withdrawn. The applicant renewed his requests for a meat-free diet. His request was supported by the Buddhist Mission in Poland. This request was rejected by the prison in October 2006. The applicant was later advised that the only special prison diet available was a pork-free one and that provision of individual diets in conformity with religious requirements was not possible owing to kitchen under-staffing. In March 2009 the applicant was transferred to another prison, where his meat-free diet requests were also refused.

In the European Court of Human Rights ([2010] ECHR 18429/06) the applicant argued a violation of Article 9 and, because other religious groups were permitted special diets in prison, Article 14. The court did not examine arguments under Article 14, as it was satisfied that Article 9 had been violated. Buddhism was a major world religion and religious dietary requirements could be regarded as directly motivated or inspired by religion: *Cha'are Shalom Ve Tsedek v France* [2000] ECHR 27417/95. Accordingly, the refusal to provide the applicant with a religious meat-free diet was an interference under Article 9(1). In addressing Article 9(2) the court recognised that particular dietary arrangements for one prisoner could have financial implications for institutions and indirect implications for the quality of treatment of other inmates. Nevertheless, a fair balance had not been struck between the competing interests. The applicant's meal requests were for vegetarian food, which did not have to be prepared, cooked and served in any prescribed ways, nor were any special food products required. The court decided that no disruption to the management of the prison would have followed from the