

- (iii) Was the interference with her Convention right prescribed by law in the Convention sense of that expression?
- (iv) Did the interference have a legitimate aim?
- (v) What are the considerations that need to be balanced against each other when determining whether the interference was necessary in a democratic society for the purpose of achieving that aim?
- (vi) Was the interference justified under Article 9(2)?

The school's approach had been completely different, starting from the premise that its uniform policy was there to be obeyed: if the claimant did not like it, she could go to a different school. Thus the school could not resist the declarations:

- (i) That it unlawfully excluded her from school,
- (ii) That it unlawfully denied her the right to manifest her religion,
- (iii) That it unlawfully denied her access to suitable and appropriate education.

The court was at pains to point out that nothing in the judgment should be taken as meaning that it would be impossible for the school to justify its stance if it were to reconsider its uniform policy in the light of this judgment and were to determine not to alter it in any significant respect. The court had considerable sympathy with the problems the school faced and recommended that teachers and governors ought to be given authoritative written guidance from the Department for Education and Skills on the handling of human rights issues in schools. [JG]

This case is reported at [2004] EHC 1389.

CORRIGENDA

In the Recent Ecclesiastical Cases reported in Issue 35, parts of the headings of two case notes were inadvertently transposed. The case of Re St John the Divine Pemberton (2004) 7 Ecc LJ 493 should have been attributed to Liverpool Consistory Court, Hedley Ch, January 2004, and that of Re St Augustine, Scisset (2004) 7 Ecc LJ 495 to Wakefield Consistory Court, Collier Ch, November 2003. We regret any confusion which may have been caused. [JG]