

Re G (Children)

Court of Appeal: Maurice Kay and Munby LJ and Sir Stephen Sedley, 4 October 2012

[2012] EWCA Civ 1233

Divorce – Orthodox Jews – upbringing of children

The children's divorced parents were Orthodox Jews. The father, an ultra-Orthodox *Chareidi*, wanted them to attend single-sex *Chareidi* schools, while the mother, no longer a member of the *Chareidi* community, wanted to send them to 'modern orthodox' coeducational schools where boys and girls participated equally in most activities. She brought proceedings under Part II of the Children Act 1989 and HHJ Copley ordered that, with effect from September 2012, they should attend the schools proposed by the mother. The court dismissed the father's appeal and, in doing so, stressed that it was not the court's business to examine the religious beliefs of the parties. Munby LJ stated that:

[t]he starting point of the common law is . . . respect for an individual's religious principles, coupled with an essentially neutral view of religious beliefs and a benevolent tolerance of cultural and religious diversity. It is not for a judge to weigh one religion against another. The court recognises no religious distinctions and generally speaking passes no judgment on religious beliefs or on the tenets, doctrines or rules of any particular section of society. All are entitled to equal respect, so long as they are 'legally and socially acceptable' and not 'immoral or socially obnoxious' or 'pernicious'.

He added that this position was commensurate with the Strasbourg jurisprudence under which a state could not determine the validity of religious beliefs but was under a duty of what the Strasbourg court has called neutrality and impartiality. [Frank Cranmer].

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Re St Paul, Woldingham (No 2)

Southwark Consistory Court: Petchey Ch, 29 October 2012

Telecommunications installation – licence fees

The chancellor had adjourned the determination of this petition for the installation of telecommunications equipment in a church and for the team vicar and parochial church council to enter into a licence agreement with New Edge