

incapable of any religious belief and so an objective balancing of the child's own interests could not be affected by the adherence of the parent. Any possibility of a miraculous cure should be left out of the analysis. It was accepted that, although several Articles of the ECHR were engaged in the case, these did not alter or add to the established principles of domestic law in the field.

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Re Warner, Re All Saints, Stand

Manchester Consistory Court: Tattersall Ch, August 2007

Interment – precedent – memorial – lifetime application

Two petitions were before the chancellor. First, a petition by W, a former incumbent of the parish, for his cremated remains and those of his wife to be interred beneath the sanctuary of the parish church after their respective deaths and, second, a petition to erect a memorial plaque above, the wording of which was submitted with the petition. There had been no previous burials within the church. The PCC had unanimously supported the petition and the DAC had offered no objection. The chancellor considered the application for the interment, stating that the major point of principle was whether he should 'authorise the interment of cremated remains for the first time in this church which will inevitably allow others to make similar applications in the future'. He considered the judgment in the similar case in *Re St Peter, Folkestone* [1982] 1 WLR 1283, Commissary Ct. The petition for interment was refused for three reasons. First, following the *Folkestone* case, it would be wiser not to create a precedent that could lead to difficult pastoral decisions as to whose remains could be interred in the church in the future. Second, whilst it might conceivably have been the case that the petitioner's service to the parish was exceptional enough to justify interment in the church, this could not necessarily be said for the petitioner's wife. Third, the chancellor was not prepared to grant the faculty sought prior to the death of the petitioner and his wife. He indicated that he would, however, be prepared to grant a faculty for a memorial plaque in the sanctuary on the basis that it had the support of the PCC and no objection had been raised. [WA]

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