

which market value would be assessed at the five-yearly reviews of the licence fee. The fact that, as a result of provisions in the Telecommunications Code (Schedule 2 to the Telecommunications Act 1984), the equipment might well remain in place beyond the 20-year term of the licence, possibly even without a further faculty, meant that in the future the licence fee payable might become very small in real terms. Accordingly, while the chancellor did envisage granting a faculty as sought, it would not be granted until he had received satisfactory answers to the concern he had raised. [Alexander McGregor]

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Re St Thomas, Kilnhurst

Sheffield Consistory Court: McClean Ch, 11 July 2012

Gravestones – replacement – duties of incumbent

Fifty-five years after the deceased's death, the petitioner's aunt had replaced the gravestone over the deceased's grave with one that omitted reference to the deceased's wife and son. The deceased's son petitioned to remove the replacement and erect a replica of the original stone, which had unfortunately been destroyed. The incumbent at the time had made inadequate checks when granting the application for the second headstone and as such had not appreciated that it was a replacement stone. The chancellor noted that the owner of a headstone is the person who commissioned and paid for it and, upon their death, the heir-at-law of the person commemorated. Incumbents have a duty to make appropriate checks in relation to applications to erect a gravestone, to check that the applicant has standing to make the application. A faculty was issued to allow removal of the second headstone and its replacement with a replica of the original. [Catherine Shelley]

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JGE v Portsmouth Roman Catholic Diocesan Trust

Court of Appeal: Ward, Tomlinson and Davis LJJ, 12 July 2012

[2012] EWCA Civ 938

Vicarious liability – diocese – priest

The Portsmouth Roman Catholic Diocesan Trust appealed against a decision of the High Court that it was vicariously liable for the torts allegedly committed by a parish priest in their diocese. In a majority judgment the court dismissed the