

BMB/DC/segall

23 April 1996

Dr. J.J. Phillips
The Registrar
London Beth Din (Court of the Chief Rabbi)
735 High Road
London N12 OUS

Dear Dr. Phillips,

RE:308 Cricklewood Lane, London NW2 2PX

We act for Dr. Jeffrey Segall and Mrs Elizabeth Segall of the above address.

We refer to the correspondence between our clients and the Registrar of the Court of the Chief Rabbi, from 14 October 1993 to 22 January 1996.

Despite repeated requests, our clients have not received a substantive response to the points raised by them in the letters of 5 November 1993, 4 December 1993 and 9 November 1995. In addition, a request for a response to the letter of 4 December 1993 made on their behalf by Mr John Marshall MP, via the Executive Director of the office of the Chief Rabbi, was also ignored.

It is our clients' hope that the dispute can be settled between the parties. We therefore request the Court of the Chief Rabbi to rescind its statement in the letter to our clients of 25 October 1993 that "the inclusion of the frontage of your house as part of the eruv is not reckoned to be a contravention of any proprietary or other rights"; and to withdraw any approval it has given to the United Synagogue Eruv Committee for such use.

We are also requesting the United Synagogue Eruv Committee to agree that no part of the property of our clients' dwellinghouse will be made use of for part of the boundary of the proposed Barnet Eruv, in the absence of their consent.

Our clients wish the Court and the Eruv Committee to know that if they do not receive the assurances they seek, they will consider legal action to claim that the use of any external parts of their home and property at 308 Cricklewood Lane, as part of the boundary for the proposed Barnet Eruv, would cause them an unlawful nuisance. The basis of this claim includes the following:

1. The Secretary of State for the Environment granted planning permission for the poles-and-wire installations, but ignored the issue of the use of external parts of dwellinghouses as parts of the physical Eruv boundary, so that planning permission for such use has not been obtained.
2. This proposed ancillary use would be for a different use class from that of a dwellinghouse. It would therefore be a material change in use and so requires planning permission.
3. The proposed use would be spiritually damaging to the lives of our clients by violating their right as secular humanists to keep their home and property free from any religious significance, use or purpose.
4. International treaties protect the right of our clients to manifest their beliefs, in a way such as this, against a manifestation of a religion or other belief which would deny them this fundamental freedom (Article 18.3 of the International Covenant on Civil and Political Rights and Article 9.2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms). The treaties are relevant to the dispute because planning guidelines of the department of the environment require developments to "take account of international obligations" (Planning R.106, August 1993), and because legislation provides for appropriate provisions of European law to have a statutory effect in this country.

Yours faithfully,

A handwritten signature in dark ink, consisting of a large, stylized loop followed by a long, wavy horizontal line that ends in a small hook.

B. M. Birnberg & Co