

European court says “human rights of Mormon Church” have not been violated by tax demand

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The European Court of Human Rights (ECtHR) has ruled that the Mormon Church is not entitled to full local property tax exemption on a temple it owns in Chorley, Lancashire.

The case goes back to 2005, when the Church of Latter Day Saints (LDS) was told that it was not exempt from paying business tax on the temple, which is not open for public worship, but restricted only to the most devout members of the Church

The Mormons appealed the decision right up the House of Lords in 2008, but the appeal was dismissed.

Now their claim that their human rights were abused has also been dismissed in the European Court, which said that the church members' right to practice their beliefs had not been violated.

The Church has two temples in Britain, the other one is in London. Only those members with "recommended status" are allowed to enter. The House of Lords ruled that the Chorley temple was not qualified as a "place of public religious worship" since access was so narrowly restricted. There is a chapel on the same site which is open to the public and so qualifies for full exemption.

Even though this temple is entirely for the use of a small band of people, it still benefits from a 80% discount of rates because of its charitable status.

The ECtHR ruling stated: "This 80 percent reduction can be seen as reflecting the elements of public benefit which the (church) identifies as flowing from the nature of temple worship," the court's ruling stated.

The LDS Church had argued those benefits include, the court noted, "extensive participation in charitable and humanitarian endeavours, commitment to good citizenship, and careful devotion to family responsibilities. Sacred pledges made in the course of collective worship in the temple, which were then lived out in the world, resounded to the benefit of society at large."

The church argued the original property tax listing meant that Latter-day Saints were being singled out. "This was not a case of worship being made private for the purposes of being exclusive or to provide private benefit," the court noted in summarizing the church's position. "It was because the very nature of the worship as understood by its believers required privacy to promote the sacred character of the worship. [...] Just as an invitation to the general public to enter these spaces would disrupt sacred practices, so the nature of temple worship would be destroyed if there were a general requirement that the public be able to sit in."

The court ruled the property tax rules do not treat the LDS Church differently than other churches or violate the church's freedom of religion.

"The legislation is neutral, in that it is the same for all religious groups as regards the manifestation

of religious beliefs in private," the court said. "(A)nd indeed (it) produces exactly the same negative consequences for the officially established (Church of England) as far as private chapels are concerned."

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