powers. This did not prevent councillors praying together before the meeting but not as part of the meeting. [Catherine Shelley]

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Sharpe v Worcester Diocesan Board of Finance and anor
Employment Tribunal: Employment Judge McCarry, February 2012
Employment status – incumbent – unfair dismissal

Mr Sharpe, a former freehold incumbent in the Diocese of Worcester, sued the Diocesan Board of Finance (DBF) and the bishop in his corporate capacity, principally alleging constructive and unfair dismissal. The tribunal distinguished the recent judgment of the Court of Appeal in *President of the Methodist Conference v Preston* [2011] EWCA Civ 1581, because in that case the judge had held that the only possible relationship between the parties had been a contractual one. Mr Sharpe's position as an Anglican rector with freehold was different, however. His relationships with the Church and the bishop were defined by ecclesiastical law; and issues such as hours of work and holidays were left – non-contractually – to his discretion, subject only to guidelines as to its exercise. There was no basis for finding that he had a legal relationship with the DBF, since the DBF was not party to his appointment, it received no services from him and he carried out none on its behalf, and it did not supervise him. Nor was there a contract between Mr Sharpe and the bishop. It was the DBF, not the bishop, that paid his stipend, and the bishop's supervisory powers were limited and defined by law rather than by any consensual arrangement. The situation exhibited a lack of supervision and control and included no element of personal service. Mr Sharpe served the DBF and the bishop only in the general sense of assisting the Church's mission. A general duty to obey the law of the Church was not the same as entering into a contract of service. In short, there was neither a contract of employment nor a contract of service and the claim was dismissed. [Frank Cranmer]

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Bull and Bull v Hall and Preddy
Court of Appeal Civil Division: Morritt Ch, Hooper and Rafferty LJJ, February 2012
Discrimination – hotel – double room – sexual orientation – religious belief

The appellants, Christian hotel proprietors who believed that sexual relations should only take place within monogamous heterosexual marriage, appealed

against a finding that they had discriminated unlawfully against the respondent civil partners by refusing to honour their booking for a double-bedded room, contrary to Regulation 4(1) of the Equality Act (Sexual Orientation) Regulations 2007. They contended that they had consistently restricted double-bedded rooms to married couples only – a policy that, prior to the arrival of the respondents, had affected only unmarried heterosexual couples – and that, because their policy was about sexual *practice* rather than sexual *orientation*, there had been no direct discrimination. They accepted that the Regulations equated civil partnership with marriage but only where the discrimination was based on sexual orientation – an interpretation of their behaviour that they rejected. They argued that the court had been wrong to find direct discrimination contrary to Regulation 4(1), contending that it was their religious objection to a particular form of sexual conduct that was the basis for the restriction, as evidenced by the fact that many unmarried heterosexual couples had been affected by it. Rafferty LJ did not consider that the appellants faced any difficulty in manifesting their religious beliefs under Article 9 ECHR; they were merely prohibited from so doing in the commercial context they had chosen. She held that the respondents had suffered direct discrimination. The chancellor concurred: Mr and Mrs Bull were not obliged to provide double-bedded rooms at all, but, if they did so, then they must be prepared to let them to homosexual couples, at least those in a civil partnership, as well as to heterosexual married couples. Hooper LJ concurred, but entered the brief but important caveat that it mattered not in law whether the homosexual couple were in a civil partnership or not. [Frank Cranmer]

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Re St Mary the Virgin, Wimbledon
Southwark Consistory Court: Petchey Ch, February 2012
Ornament – superstition – votive candle stand

The rector and churchwardens petitioned for a faculty authorising the introduction of a votive candle stand. The PCC unanimously supported the proposal. One parishioner objected to the proposals (without becoming a party opponent) on the grounds that the use of such candles smacked of superstition and should be discouraged rather than encouraged. Following *In re St John the Evangelist, Chopwell* [1995] Fam 254, the chancellor held that votive candle stands were lawful in principle and that their use was not necessarily, or likely to be, superstitious. Accepting that there was a pastoral case for the provision of a candle