

a right to the interment of their parents' ashes in the area set aside in the churchyard for the interment of cremated remains pursuant to that section. [RA]

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Moore v President of the Methodist Conference

Employment Appeal Tribunal: Underhill J, March 2011

Methodist minister – employment status

The claimant, a Methodist minister, resigned from her appointment as minister to a group of congregations for a fixed period following what she felt was unfair pressure to do so. Her claim for unfair dismissal was dismissed on the basis that she was not an employee of the Church within the meaning of section 230 of the Employment Rights Act 1996 and that the tribunal was bound by the decision of the Court of Appeal in *President of the Methodist Conference v Parfitt* [1984] ICR 176 in that respect. The claimant appealed. The Employment Appeal Tribunal (EAT) held that the reasoning in *Parfitt* could no longer be sustained in light of the decision of the House of Lords in *Percy v Board of National Mission of the Church of Scotland* [2006] ICR 134. In *Percy*, the court had held that the spiritual role of a minister did not give rise to a presumption against an intention to create legal relations. In light of this, that spiritual role could not (as it had in *Parfitt*) support a specific finding that there was no intention to create legal relations. The EAT distinguished ordination from the claimant's specific appointment and held that the relationship between the claimant and the Church was contractual in nature, at least from the moment of her appointment, given the existence of terms in relation to remuneration, accommodation, holiday, sick pay, disciplinary procedures and expenses. The contract was one of service. The appeal was allowed and the matter was remitted to the Employment Tribunal for determination on its merits. [RA]

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Kirk Session of Sandown Free Presbyterian Church's Application

High Court of Northern Ireland: Treacy J, March 2011

Offensive advertisement – freedom of religion and expression – proportionality

The applicant sought judicial review of an adjudication by the Advertising Standards Agency (ASA) that an advertisement placed in the *Belfast Newsletter* headlined 'The Word of God against sodomy' would be likely to cause, and