

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