

Re Holy Trinity, Eccleshall

Lichfield Consistory Court: Coates Ch, November 2009

Re-ordering – nave altar – raised dais

The petitioners sought a faculty to introduce a raised dais at the east end of the nave, with disabled access to the raised area. The plan required the removal of some pews. A faculty had been granted several years earlier to permit the introduction of a nave altar, which would be re-sited on the proposed dais. Applying the *Bishopsgate* questions the chancellor found that the petitioners had discharged the burden of proof as to the necessity of a new dais. Following a ‘fact gathering’ visit to the church, he found that the size of the proposed dais was excessive and would have a detrimental effect on the character of the building. The petition was refused. [WA]

An appeal is pending in this matter.

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Grainger plc and others v Nicholson

Employment Appeal Tribunal: Burton J, November 2009

Discrimination – philosophical belief – climate change

The judge, sitting alone, upheld the decision of the Employment Tribunal that a philosophical belief (in this case in the real danger of climate change) not based on religious belief was capable of protection under the Employment Equality (Religion or Belief) Regulations 2003, SI 2003/1660. He held that in establishing a claim based on such a belief the believer should provide evidence as to the genuineness of his or her beliefs and be subject to cross-examination. [WA]

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Greater Manchester Police Authority v Power

Employment Appeal Tribunal: HHJ Clark, November 2009

Discrimination – religious or philosophical belief – spiritualism

Mr Power, a spiritualist, was dismissed from his employment with Greater Manchester Police Authority as a trainer of special constables on the grounds, amongst other things, of ‘his current work in the psychic field’. He complained that the authority had discriminated against him on the grounds of his religious or philosophical belief. The Authority appealed against the decision of the

employment tribunal that Mr Power's spiritualist beliefs in God, psychics and life after death were capable of being religious and philosophical beliefs for the purposes of the Employment Equality (Religion or Belief) Regulations 2003, SI 2003/1660. In dismissing the appeal the tribunal reviewed the decision in *Grainger plc v Nicholson* (noted above) and, upholding the employment tribunal's decision that Mr Power's beliefs amounted to a religious belief, the judge referred to the history of the spiritualist church and the fact that its membership was claimed to be the eighth largest faith group in the 2001 British census. He further held that the employment tribunal's decision that Mr Power's belief in life after death and the capacity to communicate with spirits 'on the other side' was worthy of respect in a democratic society and had the necessary cogency, seriousness, cohesion and importance such as to amount to a philosophical belief was not perverse. [RA]

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Re St Mary, Barcombe

Chichester Consistory Court: Hill Ch, November 2009

Re-ordering – withdrawal of formal objection

In granting a faculty for the minor re-ordering of a listed church the chancellor commented upon the inherent unsuitability of faculty proceedings for settlement between the parties, such proceedings not being in the nature of adversarial litigation. Two parishioners had chosen to become formal objectors to the petition but had later withdrawn their objections 'in view of the concessions the petitioners have made'. These were the subject of 'without prejudice' correspondence to which the court was not privy, and the petitioners pursued the petition in its original form. Any agreement between the parties could not fetter the discretion of the court. [RA]

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Re St Mary, Westham

Chichester Consistory Court: Hill Ch, December 2009

Headstone – inscription – pet name – 'Mummy'

The petitioner sought a faculty for the erection of a headstone over her mother's grave which would include in the inscription the word 'Mummy'. The deceased was the mother of eleven children. The headstone sought was to be erected in the separate new part of the churchyard. The chancellor raised the concern