

returned to her daughter for re-interment or other disposal elsewhere. The burial authority were ordered to show cause why they should not pay the other parties' costs. [Alexander McGregor]

doi:10.1017/S0956618X18000273

### **Re St Mary and St Bartholomew, Hampton-in-Arden**

Birmingham Consistory Court: Powell Ch, 19 October 2017

[2017] ECC Bir 2

*Relocation of headstone – PCC policy*

The deceased's memorial headstone had been located at his feet, rather than at his head, so that it was visible to those entering the church rather than from the High Street. The petitioning daughter and widow wanted to relocate the headstone so that it was at his head and facing the High Street rather than the church. The row of 12 other graves in that location had headstones at the foot of the grave, facing the entrance to the church, and to change the position of the headstone in one grave would look out of place and be contrary to the policy of the Parochial Church Council (PCC) for that area of the churchyard. It was noted that a precedent had been set over a number of years for commemoration in this way and the respective positions of the body and headstone were evident at the time of the burial and erection of the headstone. Moreover, the position of the body was consistent with 2000 years of Christian practice and not disrespectful. The faculty for relocation was refused on the basis that such relocation would look out of place and would interfere with a reasonable PCC policy. It had been suggested that, if desired, the name of the deceased could be engraved on the rear as well as the front of the headstone, as was the case on another headstone. [Catherine Shelley]

doi:10.1017/S0956618X18000285

### **Scott v Stevenson & Reid Ltd**

Northern Ireland Fair Employment Tribunal: Employment Judge Greene, Mrs C Stewart, Ms L May, 20 October 2017

*Fair Employment (NI) – discrimination, harassment and victimisation on ground of religion*

Stevenson & Reid Ltd supply bathrooms and heating systems. Ms Scott, who worked at a Belfast branch, was the only Roman Catholic in the showroom. She claimed that she had been constructively unfairly dismissed and had

suffered discrimination on the basis of religion and/or political opinion, harassment on the ground of her religious belief and/or political opinion and discrimination by victimisation. In July 2015, she asked her superior if she could be excused from the weekly credit meeting because she was under extreme pressure. He replied that she would not have to attend if her line manager, Mr McCammond, was prepared to deputise for her. He became annoyed and ended by shouting at Ms Scott, 'I am fed up covering for you. You think of no one but yourself. This will not happen again. *Tiocfaidh ar lá*' ('Our day will come' – a slogan used in Republican circles). Ms Scott believed that Mr McCammond shouted *tiocfaidh ar lá* because of her religion and perceived political opinion and intended to cause her offence. Complaints then emerged about the standard of her work; but the Fair Employment Tribunal (FET) was clearly unconvinced by the procedures followed in assessing them, concluding that they had been very unsatisfactory and that the complaints were resurrected by the respondent to use against the claimant. Ms Scott resigned, alleging discrimination and harassment contrary to the terms of the Fair Employment and Treatment (Northern Ireland) Order 1998.

The FET held that, on the evidence, the slogan had been used because of her religion or perceived political opinion and that it was clearly less favourable treatment. But, in any event, there was a prima facie case of religious or political discrimination under Article 38 of the 1998 Order. The incident, and Mr McCammond's use of language with a sectarian significance, had shifted the burden of proof to Stevenson & Reid Ltd, which had failed to prove that, on the balance of probabilities, her treatment was in no sense whatsoever on the ground of religion or political opinion, since 'no discrimination whatsoever' is compatible with the Burden of Proof Directive. The firm was vicariously liable for discrimination and for harassment within the terms of Article 3A of the 1998 Order. Finally, it had failed to demonstrate that Ms Scott's treatment was not related to her religion or political opinions and, accordingly, it had discriminated against her by way of victimisation. In addition to a basic award and compensation for her loss of statutory rights, she was awarded £15,000 for injury to feelings. [Frank Cranmer]

doi:10.1017/S0956618X18000297

## **R v The Reverend Daniel Woodhouse and Samuel Walton**

Burnley Magistrates' Court: DJ Clarke, 28 October 2017

*Criminal damage – defence of lawful excuse*

On 19 January 2017, armed with a hammer, the Revd Daniel Woodhouse, a Methodist Minister, and Sam Walton, of Quakers in Britain, were apprehended