

retain the woodwork and architectural interest in that part of the church.  
[Catherine Shelley]

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### **Mba v Merton Borough Council**

Employment Appeal Tribunal: Langstaff J, 13 December 2012

UKEAT/0332/12/SM

*Discrimination – Sunday working*

The appellant was a care worker in a children's home who was employed under a contract under which she could be required to work on Sundays. After accommodating her wish as a Christian not to do so for some two years, her employer required her to work as contractually obliged. She appealed against the Employment Tribunal's rejection of her claim that she had been unlawfully discriminated against on grounds of her religion and belief under the Employment Equality (Religion or Belief) Regulations 2003.

The Employment Appeal Tribunal (EAT) upheld the decision of the Employment Tribunal that the employer's aim in seeking to ensure that all full-time staff worked on Sundays in rotation was legitimate and was objectively justified, so that she could lawfully be required to do so. The appellant argued that the Employment Tribunal had impermissibly taken into account a view of what was 'core' to Christian belief, which was not part of its proper function. The EAT held that by using the expression 'core' the Employment Tribunal had intended to reflect the evidence put before it from an Anglican bishop that only some Christians felt obliged to abstain from Sunday work. On that basis it was permissible commenting on the degree to which Christians numerically would be affected, and was not attempting to tell Christians what was important in their faith. The appeal was dismissed. [RA]

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### **R (Hodkin) and another v Registrar General of Births, Deaths and Marriages**

Administrative Court: Ouseley J, 19 December 2012

[2012] EWHC 3635 (Admin)

*Scientology chapel – registration of marriages*

Ms Hodkin and her fiancé, both Scientologists, wished to marry in a Church of Scientology chapel that was not registered under section 2 of the Places of

Worship Registration Act 1855 as a ‘place of meeting for religious worship’. It was not, therefore, a ‘registered building’ within section 26(1)(a) of the Marriage Act 1949 and no application could be made under the 1949 Act for it to be registered for the solemnisation of marriages. The Registrar General had refused to register the chapel under the 1855 Act on the grounds that it was not, in fact, a place for ‘religious worship’ because in *R v Registrar General ex parte Segerdal* [1970] 2 QB 697 the Court of Appeal had upheld the rejection of an application to register another such chapel precisely on the grounds that the activities carried on within it did not constitute ‘worship’.

The claimants argued that the understanding of Scientology as a religion had developed since 1970; that the meaning of a place ‘for religious worship’ in what was now a more obviously multi-faith society had broadened; that the effect of the Human Rights Act 1998 and the Equality Act 2010 meant that the distinction drawn by the Court of Appeal in *Segerdal* between Scientology and a non-theistic religion such as Buddhism was no longer tenable; and that the current practice of registering Buddhist and Jain temples as places of religious worship while refusing to register Scientologists’ chapels was discriminatory. Ouseley J dismissed the claim, primarily because he regarded himself as bound by *Segerdal*, but suggested that his decision might properly be appealed: ‘Forty years on from *Segerdal*, the Court of Appeal may find the route at least to reconsider its decision in *Segerdal* with the fuller material now available.’ [Frank Cranmer]

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## Re Christ Church, Fenton

Lichfield Consistory Court: Eyre Ch, 1 January 2013

*Lead theft – lead alternative – time-limited faculty*

The Grade II listed church had been subject to repeated lead thefts over a number of years. Much of the roof lead had now been replaced with alternative materials. The north aisle roof had had approximately two-thirds of its lead stolen. The vicar and churchwardens now sought a faculty to remove the remaining lead and replace it with Sarnafil. Steps were to be taken to ensure that the appearance of the Sarnafil would approximate that of lead as closely as possible. Sarnafil was said to have a life expectancy in excess of 25 years, but was not recommended as a roofing material in the Church Buildings Council Guidance Note on the issue. The Diocesan Advisory Committee recommended the works, stating that the roof was not prominent in any key view. There had been no objections in response to publication of the proposals, save that