

### President of the Methodist Conference v Preston

Supreme Court: Lord Hope, Lady Hale, Lords Wilson, Sumption,  
Carnwath, 15 May 2013

[2013] UKSC 29

*Employment status – Methodist – minister of religion*

In a majority judgment, the Supreme Court allowed the appeal of the President of the Methodist Conference against the decision of the Court of Appeal that the respondent, a Methodist minister, was an employee for the purposes of the Employment Rights Act 1996. The Court held that there was no presumption either for or against the employment status of clergy, but that rather the rules and practices of the particular church and any particular arrangements with an individual minister must be examined. Here, the following facts supported the conclusion that the respondent was not an employee:

- i. Neither the admission of the minister to full connexion nor her ordination were themselves contractual. Thereafter the minister's duties were not consensual but were dependent upon the unilateral decision of the Conference;
- ii. The provision of the stipend and accommodation were due to the minister only by virtue of her admission into full connexion and ordination rather than as a result of her duties. Further, the procedural rights that the minister derived from the disciplinary scheme were equally applicable to lay members;
- iii. The relationship between the Church and the minister was not terminable except by the Conference. Unilateral resignation was not possible.

Lord Sumption concluded that the ministry described was a vocation by which ministers submitted themselves to the discipline of the Church for life, rather than a contractual arrangement. In a dissenting judgment, Lady Hale would have dismissed the appeal on the basis that everything in the Church/clergy arrangement looked contractual in its nature. [RA]

*For a more detailed comment on this case, see F Cranmer, 'Methodist ministers: employees or office-holders?', (2013) 15 Ecc LJ 316–325.*

doi:10.1017/S0956618X13000744