

CASE NOTES

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Chancellor of the Diocese of Norwich

Ganga v Chelmsford Diocesan Board of Finance & anor

Employment Tribunal: Judge Brown, Mr Tomey, Mrs Saund, 15 January 2015

Licence to officiate – revocation – qualifications body – section 54 Equality Act 2010

The Revd Jeremy Ganga, a black Briton of African origin, was appointed a full-time tutor at North Thames Ministerial Training Course in 2006. After leaving that post his licence to officiate in Chelmsford Diocese was revoked. He sued Chelmsford Diocesan Board of Finance and the Bishop of Chelmsford in his corporate capacity, alleging direct racial discrimination contrary to sections 13 and 53 of the Equality Act 2010 and victimisation contrary to sections 27 and 53. The protected act on which he relied in respect of his victimisation claim was a previous race discrimination claim against the Diocese of Southwark in 2004. That claim had been settled, and it was not disputed that it was a protected act under section 27. He complained, inter alia, that his licence had been revoked, that the diocese had failed to respond to a reference request from the Bishop of Birmingham for a post in his diocese and that it had instructed, caused or induced prospective employers not to offer him posts in other dioceses.

On the victimisation claim, the Tribunal concluded that, potentially, it could have been successful – but it was out of time. As to whether or not the bishop was a ‘qualifications body’ within the meaning of section 54 of the 2010 Act, in order to attract section 54 for the purposes of a complaint of discrimination, the body in question had to confer a qualification needed for, or facilitating engagement in, some paid employment, trade, profession or occupation. The definition of ‘qualification’ was broad and the body in question had to have the power to set a particular objective standard and to declare that the candidate had attained that standard. However, a body was *not* a qualification body if it merely chose which already-qualified candidates it wished to engage for its own purposes. On that basis, the Tribunal concluded that ‘the Respondent was a qualifications body when he granted the licence to the Claimant and also when he withdrew it’. However, the claim failed on other grounds and leave to appeal was subsequently refused.

Ganga was subsequently cited in the judgment in *Pemberton v Inwood* [2015] ET 2600962/2014 as authority for the proposition that a diocesan bishop was a qualifications body in relation to the granting of permission to officiate or of a licence/authorisation under the Extra-Parochial Ministry Measure 1967. [Frank Cranmer]

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Re St Leonard, Beoley

Worcester Consistory Court: Mynors Ch, 3 April 2015

Exhumation – archaeological investigation – Shakespeare

The team vicar and churchwardens sought a faculty to carry out various works at St Leonard, Beoley, including the temporary removal from the vault beneath the Sheldon Chapel of ‘a skull, possibly that of William Shakespeare’ for detailed archaeological investigation, including laser scanning, radiocarbon dating and an anthropological assessment. The impetus for the proposal came from a film company, which was to fund the proposed works and investigations together with the University of Staffordshire. The chancellor concluded that, on the facts, there was no scholarly or other evidence that came anywhere near providing any support for the truth of the story that Shakespeare’s skull had been taken to Beoley and that there was nothing to link the skull to Shakespeare. The curiosity about the skull at Beoley had no factual base whatsoever to justify exhumation, removal or investigation. The whole enterprise was entirely speculative. The petition was refused. [David Pocklington]

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R v Ball and House

Central Criminal Court: Sweeney J, 3 July 2015

Criminal law – misconduct in public office – whether suffragan bishopric is a public office

At all material times Peter Ball was the suffragan Bishop of Lewes. He was charged with four counts of indecent assault and one of misconduct in public office. Ball applied to stay the proceedings. So far as the count of misconduct was concerned, he argued that a suffragan bishop was not, as a matter of law, the holder of a public office. Sweeney J (provisionally, so that the trial judge was not constrained from hearing any further argument from an *amicus*) concluded that the defendant was the holder of a public office at the time of the