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'Gay cake' case heads to Supreme Court

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A bakery that broke equality laws by refusing to make a pro-gay marriage cake is set to appeal the ruling in the UK's highest court.

Last month, Court of Appeal judges in Belfast upheld the judgment from May 2015 which ruled that Ashers bakery had discriminated against a customer by refusing his order for a cake bearing the slogan "Support Gay Marriage".

John Larkin, Northern Ireland's attorney-general, has now informed the judges that he intends to invoke his power to refer the case to the Supreme Court.

Under the terms of the 1998 Northern Ireland Act, Stormont's chief law officer can ask the Supreme Court to rule on issues related to devolution. Mr Larkin has decided that elements of the Ashers case fulfil that criteria.

"I can confirm that the attorney-general has, pursuant to paragraph 33 of schedule 10 to the Northern Ireland Act 1998, served notice identifying a number of devolution issues," a spokeswoman said.

The McArthur family, who describe themselves as devout Christians, own and run Ashers. Before Mr Larkin's decision, they had intended to take their appeal to the Supreme Court in London themselves or, failing that, the European Court of Human Rights.

The case against them was brought by Gareth Lee, a member of the LGBT advocacy group Queer Space, after he ordered a cake featuring Sesame Street puppets Bert and Ernie for a private function marking the International Day Against Homophobia.

He placed the order in person at Ashers' Belfast city centre branch in May 2014. It was accepted and he paid in full but, two days later, the company called to say it would not bake the cake due to the message he had requested.

In the original court case, district Judge Isobel Brownlie ruled that religious beliefs could not dictate the law and ordered the firm to pay damages of £500.

Mounting an appeal, Ashers contended that it never had an issue with Mr Lee's sexuality, rather the message he had requested on the cake's icing.

The owners of the business said the slogan was inconsistent with their deeply held religious beliefs.

The appeal was heard before three senior judges at Belfast's Court of Appeal in May, with the reserved judgment delivered in October.

In delivering their ruling, Sir Declan Morgan, Northern Ireland's lord chief justice, said Ashers had directly discriminated.

He rejected the argument that the bakery would be endorsing the slogan by baking the cake.

Mr Larkin does not need judicial authority to make a direction to the Supreme Court. However judges in Belfast will assess next week whether the case meets the relevant conditions for referral.

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