



24 October 2016

PRESS RELEASE

Court Rules Cake Case was Discrimination

The Equality Commission for Northern Ireland welcomes the judgement by the Northern Ireland Appeal Court today in the case of Lee v Ashers Baking Co Ltd.

The Appeal Court upheld the findings of the District Judge that the Defendants had unlawfully discriminated against Gareth Lee on grounds of sexual orientation, religious belief and political opinion.

Gareth Lee had taken the case with the assistance of the Equality Commission following the cancellation by the bakery company of an order it had initially accepted, to provide him with a cake iced with the slogan 'Support Gay Marriage'.

"The case raised issues of public importance regarding the extent to which suppliers of goods and services can refuse service on grounds of sexual orientation, religious belief and political opinion," Dr Michael Wardlow, Chief Commissioner of the Equality Commission, said. "The Court of Appeal today said, quite clearly :

"To prohibit the provision of a message on a cake supportive of gay marriage on the basis of religious belief is to permit direct discrimination. If businesses were free to choose what services to provide to the gay community on the basis of religious belief the potential for arbitrary abuse would be substantial."

"The Appeal Court also ruled out a suggestion which had been made as part of the Appeal, that anti discrimination laws treat less favourably people who share a religious belief concerning the sinful nature of homosexual activity. The Court's judgement says:

"The answer is not to have the legislation changed and thereby remove the equality protection concerned. The answer is for the supplier of services to cease distinguishing, on prohibited grounds, between those who may or may not receive the service. . . . In the present case the appellants may elect not to provide a service that involves any religious or political message. What they may not do is provide a service that only reflects their own political or religious belief in relation to sexual orientation."

“We are pleased that the Appeal Judges have confirmed the legal position which underpins our advice to service providers and employers,” Dr Wardlow said. “That is, that businesses operating in the commercial sphere, providing services to the public, cannot discriminate against people on any of the grounds covered by anti-discrimination legislation governing the provision of goods, facilities and services to the public in Northern Ireland. The Commission has always been happy to give advice to any businesses concerned by these issues and has published guidance on the law as it affects service providers on our website.”

- Read the [full judgement](#) (*pdf*) or the [summary](#)
- [Download our guidance for service providers](#) (*pdf, 73kb*)