

Christian bakery pursued by quango in legal action over gay marriage campaign cake

- Ashers Baking Company, owned by Colin and Karen McArthur, is a Christian-run bakery with seven shops around Northern Ireland.
- The company's name is taken from the Bible – Asher was a tribe of Israel with many skilled bakers that created bread 'fit for a king' – and reflects the Christian faith of the owners.
- Legal action was taken against the bakery after it declined to produce a campaign cake promoting gay marriage.
- On 9 May 2014, a volunteer LGBT activist, Mr Gareth Lee, asked for a cake to be [decorated](#) with the slogan "Support Gay Marriage". He also wanted the logo of campaign group [QueerSpace](#) and a photo of Sesame Street's Bert and Ernie to be printed on the cake.
- The order was accepted by shop staff at the Belfast outlet. However, the McArthur family felt that printing the slogan "Support Gay Marriage" on a cake for a campaign stunt would go against their sincerely-held Christian belief that marriage is between a man and a woman.
- General Manager Daniel McArthur says they are happy to bake cakes for anyone, but could not fulfil that particular order as it clashed with the ethos of the business. They have refused other orders in the past, such as images incorporating nudity or bad language.
- Colin and Karen McArthur, and their son Daniel, decided to decline the request on conscience grounds. Mrs McArthur phoned Mr Lee on 12 May 2014 to explain that they could not fulfil the order and to offer a full refund of his deposit.
- [Online photographs](#) of a QueerSpace event in May last year show that the group were able to get a [cake](#) decorated as they had wanted from a different bakery.
- Mr Lee later complained to the taxpayer-funded Equality Commission for Northern Ireland (ECNI).
- The Equality Commission sent a [letter](#) on 26 June 2014 to the McArthurs, claiming that the bakery had acted unlawfully by refusing to decorate the cake with the slogan.
- The Commission said that the bakery's actions breached the [Equality Act \(Sexual Orientation\) \(Northern Ireland\) Regulations 2006](#) which prohibit "discrimination in the provision of goods, facilities and services to a person seeking or obtaining to use those goods, facilities or services on the grounds of sexual orientation".
- The June letter, signed by the legal division of the Equality Commission, ordered the bakery to "remedy" its "unlawful discrimination" within seven days or be taken to court by the Commission.
- In September 2014 it emerged that the Commission had [failed to take proper legal advice](#) before issuing its initial threat.
- On 27 October 2014 a new legal threat was issued by the Commission to the McArthurs. This time it was alleged that they had also breached political discrimination laws.
- The case was heard by District Judge Isobel Brownlie over three days in March 2015 (26, 27 and 30) at Laganside Courts, Belfast.
- David Scoffield QC represented Ashers in court. The ECNI was represented by Robin Allen QC.
- On Tuesday 19 May 2015 the [court ruled](#) the bakery had breached political and sexual orientation discrimination regulations and ordered it to pay £500 damages for injuring the customer's feelings.
- The family's appeal against the ruling on 3 February 2016 was delayed following an intervention from NI's Attorney General.
- The appeal was heard over four days in the Court of Appeal in Belfast starting 9 May.
- The NI Assembly has rejected five attempts to redefine marriage since October 2012.
- The ECNI is in favour of introducing same-sex marriage. Its website [states](#): "The Commission supports the introduction of legislation permitting same sex marriage... including sufficient safeguards for religious organisations".
- A [ComRes survey](#) in March 2015 showed that 77 per cent of NI adults believe the ECNI should not be spending public funds pursuing Ashers through the courts. 90 per cent said equality laws should be used only to protect people from discrimination and not to force people to say something they oppose.
- The Christian Institute believes the McArthurs' case demonstrates the need for the law to provide reasonable accommodation for conscience, [as advocated](#) by Deputy President of the Supreme Court, Baroness Hale.
- [Watch](#) the statement by Daniel McArthur before the court hearing in May 2016.