

The Ashers “gay cake” case

BACKGROUND

Ashers Baking Company, owned by Colin and Karen McArthur, is a Christian-run bakery with nine 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. Ashers' shops do not open on Sundays.

2014

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 printed on the cake.

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 2014 show that the group were able to get a [cake](#) decorated as they had wanted from a different bakery.

However, Mr Lee later complained to the taxpayer-funded Equality Commission for Northern Ireland (ECNI). The ECNI is [in favour](#) of introducing same-sex marriage.

The Equality Commission sent a [letter](#) dated 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. [The Commission did not take advice](#) from a senior barrister before issuing the threat.

On 27 October 2014 a new legal threat was issued by the Commission. This time it was alleged that the McArthurs had also breached political and religious discrimination laws.

Legal action was commenced against Ashers on 6 November 2014.

2015

The case was heard by District Judge Isobel Brownlie over three days in March 2015 (26, 27 and 30) at Laganside Courts, Belfast.

On 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.

2016

An appeal by Ashers was heard in the Court of Appeal in Belfast on 9-12 May.

On 24 October 2016, the Court of Appeal ruled against Ashers, though it criticised the ECNI's handling of matters.

In December, the Court of Appeal left the way open for the bakery to take the matter further when Lord Chief Justice Sir Declan Morgan stated: “We consider the matter should be properly left to the Supreme Court”.

2018

The Supreme Court hearing took place in Belfast on 1 and 2 May 2018 – the first time the UK Supreme Court had sat in Northern Ireland.

Judgment will be handed down in London on 10 October.

FIND OUT MORE

The implications of the McArthur's case reach far beyond the doors of their bakeries. Read more about what's at stake in our [Ashers briefing](#).