

# Further decision on Northern Ireland 'gay cake' case

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A Christian bakery's refusal to bake a cake bearing a message in favour of legalising same-sex marriage was discriminatory.

Mr Lee went to the Ashers Baking Company in Northern Ireland, which was run by the McArthurs, who were devout Christians. Mr Lee ordered a cake bearing the message "Support Gay Marriage". The McArthurs refused the order on the basis of their Christian beliefs in marriage. Mr Lee brought a discrimination

claim against the bakery.

The Court of Appeal in Northern Ireland held that Mr Lee had been discriminated against. Whilst the religious beliefs of those providing a service are protected, they do not permit the bakery to choose which services it offered to the gay community. The Court of Appeal held that, were that the case, the potential for abuse would be substantial.

An interesting point about this case is that the Court of Appeal determined that Mr Lee had suffered associative rather than direct discrimination. That is to say that, rather than the bakery refusing Mr Lee's order because he was gay (which he was), they refused the order because of his association with pro-gay views. As the Court of Appeal noted, "many heterosexual people support gay marriage and some gay people oppose gay marriage".

*Lee v McArthur and Ashers Baking Company Ltd* [2016] NICA 39

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