

Issued on behalf of Christian Legal Centre and Core Issues Trust

Press Release

For Immediate Release

27 January 2014

Master of the Rolls demands Mayor of London be investigated for political intervention in ‘gay bus advert’

Christian Legal Centre/Core Issues Trust hail ‘significant victory’

- Mayor to be investigated as to whether he made decision for a political purpose: Judgment paragraphs 47-48
- Ex –gays are recognised as protected from discrimination by the Equality Act 2010: Judgment paragraph 98
- TfL must have a level playing field, take down Stonewall posters and be content neutral: Judgment paragraphs 80-82
- Lord Justice Briggs says that campaigns must be respectful of religious beliefs: Judgment paragraph 105

IN a Politically sensitive judgment, the Master of the Rolls, Sir John Dyson, has ruled that the High Court must investigate the political intervention by Boris Johnson banning a Christian advertisement which was deemed by Stonewall and Transport for London to be ‘anti-gay’. The Courts have fulfilled an *historic duty of holding politicians to account and refusing to tolerate non transparent behaviour*. The decision of the Court is one of the most significant in recent times in ensuring that powers are exercised by politicians properly.

In April, just before the 2012 London Mayoral Elections, the Christian charity, Core Issues Trust, was to run its Bus Advertisement Campaign. It, therefore, came at a time when the Conservative Party was courting the LGBT vote in an attempt to ditch what it called the ‘toxic’ history of the Party and seek new supporters. The Government was also concluding the consultation over its controversial policy on same sex marriage.

The Bus Advertisement Campaign by homosexual campaign group, Stonewall, stated **“Some People Are Gay. Get Over It!”**. In response, Core Issues Trust, led by Dr Mike Davidson, agreed with the Advertising authorities to run a Bus Campaign saying **“Not Gay! Ex-Gay, Post-Gay and Proud. Get over it!”**.

However, despite pre-authorisation of the advertisements, the Mayor of London personally intervened at the politically sensitive time and banned the adverts.

In the judgment in the lower court Mrs Justice Lang had ruled ‘If the motive of the decision was to advance Mr Johnson’s election campaign, at the expense of a proper exercise of TfL’s powers and duties, this would call into question the lawfulness of the decision.’

In the original case and confirmed on appeal, it was recognised that the Core Issues poster,

the Stonewall poster (and the British Humanist Association poster 'There's probably no God. Now stop worrying and enjoy your life') all breached TfL's policy which prohibits posters likely to cause offence.

The Master of the Rolls expressed concern that the original trial judge was not able to adequately investigate the political intervention by Boris Johnson.

In his judgment on the Appeal case handed down this morning Sir John Dyson [Para 37, 38] said:

"The difficulty is that there is now in evidence an email which unequivocally states that the Mayor instructed TfL to pull the advertisement.... The need for examination of the role of the Mayor is all the greater because (i) the 18.04 email shows that the Mayor's office contacted the Guardian immediately in order to make political capital out of the story; and (ii) arrangements had been made for the Mayor to appear on 13 April (the following day) at hustings organised by Stonewall. This is a most unsatisfactory state of affairs.

[Para 48] *"In my view, it is in the interests of justice that a further enquiry be conducted by the court as to whether (i) the decision was instructed by the Mayor and (ii) it was made for an improper purpose. As Christopher Clarke LJ said during the course of argument, the only way this can be done properly is for the Mayor (on behalf of the GLA) to be added back as a defendant. The case should be remitted to the judge for her to make such an order and then give appropriate directions with a view to deciding whether the decision was instructed by the Mayor and made for an improper purpose. It will be for her to decide what directions to give. But I would expect her to direct that written statements be made by the Mayor, Mr Harri and Mr Barnes and then to decide in the light of the statements whether to order cross-examination."*

In light of the judgment, Dr Davidson has today written to the Mayor of London demanding he make all email access, current and potentially deleted, available to his lawyers. In his letter he demands: **"As you know, we have email evidence of your political intervention, and we now ask you to make publically available all email correspondence in this matter and, to allow computer experts to analyse any relevant emails which may, or may not, have been deleted from your system for whatever reason.**

As I am sure you will be aware, the political credibility of politicians is at an all-time low. Your openness, transparency and integrity in helping with pre-court access to these matters will be much appreciated. If such access is not offered, our lawyers will petition Mrs Justice Lang to order such access as part of further enquiry as the Master of the Rolls has so directed."

Importantly, the Appeal Court also recognised [Para 80] that Mrs Justice Lang had ruled that, by the same advertising criteria, ***"the Stonewall advertisement had failed to comply with the Policy"***.

Andrea Minichiello Williams, Chief Executive of the Christian Legal Centre which has supported Core Issues Trust said: "The effect of such a ruling means that the past and present campaign being run by Stonewall breaches Transport for London's Advertising standards and is illegal. Stonewall knows this but has brazenly decided to pursue its agenda.

In a mature democracy both sides of a debate should be heard but it seems that Boris Johnson, Transport for London and Stonewall are intent to shut down the Christian side of

the debate by fair means or foul.

It is a great relief that the Master of the Rolls has ruled to hold to account arbitrary use of the exercise of power by a public authority”

Core issues Trust is represented by leading Human Rights barrister Paul Diamond, Standing Counsel to the Christian Legal Centre.

ENDS.

For further Information/interview:

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Editor's notes:

Text of Letter to Mayor of London below:-

Dear Mayor Johnson

Last year you personally intervened in a proposed Bus Advertising campaign which expressed, in a free country, another view on the debate relating to Same Sex attraction and Same Sex Marriage. Your intervention was just before the Mayoral Elections in London when the Conservative Party was seeking new votes from the Gay and Lesbian Community.

Today, in handing down his Judgment in the matter of The Queen – on the application of Core Issues Trust Ltd (Appellant) and Transport For London (Respondent), the Master of the Rolls, Sir John Dyson directed that your intervention on this matter (at such a politically sensitive time coming up to an election in which you were personally involved) be referred back to the original judge, Mrs Justice Lang for *“the purpose of further enquiry as to whether your intervention was made for an improper purpose; in the light of the fresh evidence and such further evidence as may be adduced in the further proceedings before her.”*

As you know, we have email evidence of your political intervention, and we now ask you to make publically available all email correspondence in this matter and, to allow computer experts to analyse any relevant emails which may, or may not, have been deleted from your system for whatever reason.

As I am sure you will be aware, the political credibility of politicians is at an all-time low. Your openness, transparency and integrity in helping with pre-court access to these matters will be much appreciated. If such access is not offered, our lawyers will petition Mrs Justice Lang to order such access as part of further enquiry as the Master of the Rolls has so directed.

Yours sincerely

Dr Mike Davidson
Director
Core Issues Trust

To view an analysis of the judgment, follow this link:

<http://www.christianconcern.com/sites/default/files/docs/AnalysisoftheJudgment.docx>

To view the advertisements, follow this link:

<http://www.christianconcern.com/sites/default/files/images/BusAdverts.jpg>

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