

Lord Justice Sullivan yesterday dismissed Core Issues Trust's application to appeal, claiming that Mrs Justice Lang's inquiry in the London Bus Case was satisfactory and appropriate.

According to Lord Justice Sullivan, Core Issues Trust is simply aggrieved at her findings. In reality, the rights of ex-gay persons have again been trampled by establishment judges. Stonewall promoter Boris Johnson is untouchable: he can say and do what he likes, and we should all redefine the word "instructed" along with "marriage"

The judge says that in claiming credit for the decision to ban the 2012 Core Issues Trust poster, Boris Johnson had been untruthful. But remarkably the judge went on to say that Mr Johnson's "puffing to take credit for the decision" was not unlawful.

The Mayor's media chief, Mr Harri informed senior members of staff that the Mayor had 'instructed' the poster to be removed. But the judge says that this use of language needed to be placed in the context of the event and did not mean what most people assume "instructed" means.

Lord Justice Sullivan dismissed the fact that emails were not preserved and the suggestion that relevant emails were deleted. He was untroubled that there was no cross-examination of witnesses, neither was he concerned by the fact that the Witness Statement contradicted the contemporaneous documentation. He appeared unconcerned that two earlier witnesses statements had omitted to mention an alleged conversation (between Mr Harri and TfL's Mr Everitt) that was later claimed to be crucial in the decision making process to ban the Ad (just before the Guardian's announcement of the decision). He dismissed any suggestion that this stark inconsistency with previous statements undermined the credibility of the witnesses.

The Court of Appeal is apparently entitled to rely on the 'say so' of an interested party without testing by cross-examination and in the face of serious credibility issues being raised.

At this point, it appears that the courts are happy that it is lawful to allow public figures such as Boris Johnson to use the media to claim that he took a decision when in fact he did not – in full view of the officials of Transport for London and the Greater London Authority.

Commenting on the case, Dr Mike Davidson, Director of Cores Issues Trust, said:

"Neither myself nor the Trust is in a position to pay the exorbitant costs of the Queen's Counsel, barristers and solicitors which Transport for London has felt able to fund so freely from the public purse.

"The case has shown clearly that British officialdom has no regard for the rights of ordinary men and women whose identity is "ex-gay" and whose practice is to leave their homosexual past.

We will not be intimidated or silenced. We shall continue to exercise our right freely to say that homosexual practices are unsafe for individuals, for society, and offensive to our creator God, the Lord Jesus Christ. We will continue to teach these truths and to support the continual and growing stream of individuals now abandoned by church, state and mental health bodies who express through their lives an unpopular and offensive view clearly intolerant to the British establishment."

The Trust will seek legal advice on the way forward to continue its work and witness.

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Council of Reference: Mr Andrew Comiskey (CEO Desert Stream /Living Waters), USA; Professor Robert Gagnon, (Pittsburgh Theological Seminary), USA; Rev David Johnston, (Presbyterian, NI); Andrea Minichiello Williams (CEO Christian Legal Centre) GB; Canon Chris Sugden (C of E, GB); Mr Dermot O'Callaghan (Church of Ireland, NI); Rev Hadden Wilson (Baptist, NI)

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