



NEWS REPORT

Date: 18 January 2010
Expert: Aileen McColgan
Title: *R (E) v Governing Body of JFS & Ors* [2009] UKSC 15
Country: United Kingdom

Context

Issue at stake: Meaning of direct discrimination
Ground of discrimination: race and religion
Source: national court decision
Field: Education
Legislative provisions: Race Relations Act 1976

Content

Case: The question for the Supreme Court was whether a policy which restricted admission to a Jewish school to those recognised as “Jewish” by the Chief Rabbi, who applied a test based on maternal descent, amounted to direct race discrimination, in respect of which no justification or defence was available to the school under the Race Relations Act, or merely to direct religious discrimination in respect of which a specific defence would have applied. The Claimant was a boy who practised as an Orthodox Jew but was not recognised as such by the Chief Rabbi, or the school, because his mother (who had not been born Jewish) had converted to Judaism in a ceremony not recognised by the Chief Rabbi.

Decision of the Court: Notwithstanding the fact that the school was not motivated by racism, the approach it took to the recognition of Jewishness crossed the line into impermissible race discrimination. The Claimant had been treated less favourably in relation to admission to the school on the basis that he was not recognised as “Jewish”, and this was a test which turned on ethnicity and therefore on race for the purposes of the Race Relations Act 1976. No relevant defence was available to the school.

Internet link source and additional information: (no newspaper links)

http://www.supremecourt.gov.uk/docs/uksc_2009_0105_judgmentV2.pdf