

IN THE HIGH COURT OF JUSTICE

Claim no: AC-2025-LON-001953

KING'S BENCH DIVISION

ADMINISTRATIVE COURT

BETWEEN:

(1) GOOD LAW PROJECT LIMITED

(2) BOT

(3) BNW

(4) BBS

Claimants

-and-

EQUALITY AND HUMAN RIGHTS COMMISSION

Defendant

-and-

(1) HEALTH AND SAFETY EXECUTIVE

(2) SECRETARY OF STATE FOR WORK AND PENSIONS

(3) MINISTER FOR WOMEN AND EQUALITIES

(4) WELSH MINISTERS

(5) SCOTTISH MINISTERS

Interested Parties

**ACKNOWLEDGEMENT OF SERVICE ON BEHALF OF
THE MINISTER FOR WOMEN AND EQUALITIES**

Introduction

1. This document is filed on behalf of the Third Interested Party, the Minister for Women and Equalities (“**the Minister**”). It explains the Minister’s overall responsibilities, statutory functions and her potential interest in the proposed claim, should it progress to substantive hearing. The Minister does not make any submissions on the question of permission and remains neutral as to this.

The Minister's relevant statutory functions

2. The Minister has responsibility for i) promoting equality of opportunity for everyone and reducing negative disparities; ii) strategic oversight of the government's equality policy, for women, ethnicity, disability and LGBT+; iii) overall sponsorship of the Equality & Human Rights Commission ("**the Defendant**"), as well as the Social Mobility Commission; and (iv) oversight of the overall legislative framework on equalities.
3. The Defendant is an independent body established by s.1 Equality Act 2006 ("**EA 2006**"). Among other statutory functions, the Minister provides the funding for the Defendant and appoints its members, known as the Commissioners (Schedule 1, paras 1 and 38 EA 2006). The Defendant has various reporting duties to the Minister, including for example to send the Minister its plans for its proposed activities (s.4 EA 2006).
4. Under ss 14 and 15 EA 2006, the Defendant may issue a code of practice in connection with any matter addressed by the Equality Act 2010 ("**EA 2010**") or may revise any such code. Any proposed code or revision should be submitted as a draft to the Minister; the Minister may approve the draft, notify the Defendant and lay it before Parliament, or the Minister may give the Defendant written reasons why she does not approve the draft (s.14(7) EA 2010). The Defendant is currently engaged in a process of revising its code of practice on services, public functions and associations (the Defendant's consultation exercise on which closed on 30 June 2025).
5. The Defendant also has a power to publish information or give guidance under s.13 EA 2006, in connection with its statutory duties under ss 8 (equalities) and 9 (human rights). The Minister does not have a specific function in relation to that power.

The impugned decision

6. By the proposed claim, the Claimant seeks permission to challenge a publication by the Defendant on its website dated 25 April 2025 relating to certain parts of the EA 2010 following the decision of the Supreme Court in *For Women Scotland* [2025] UKSC 16

(which the Defendant terms the “**Interim Update**” and the Claimant terms “**the Guidance**”). The Minister adopts the former term for convenience.

7. By Ground 1, the Claimant seeks permission to argue that the Interim Update is unlawful because it misstates the law (or gives a misleading impression of the law); by Ground 3, the Claimant seeks permission to argue that, if the Interim Update accurately states the law, then it is incompatible with a relevant right under the ECHR.
8. The Minister did not receive advance sight or notice of the Interim Update. Nonetheless, the Minister has an interest in Ground 1 if it proceeds given her overall responsibilities, and statutory functions in relation to the Defendant, including in relation to the Defendant’s proposed revisions to the code of practice. The Minister also has a clear interest in Ground 3, should it be given permission to proceed, because of the declaration of incompatibility sought under s.4 Human Rights Act 1998. Accordingly, should permission be granted, the Minister would intend to participate in proceedings and seek to assist the Court.
9. The Minister makes no application for the costs of this Acknowledgement of Service. She reserves her position on costs if the claim proceeds.

[REDACTED]

[REDACTED]

[REDACTED]

11 July 2025