

Statement on behalf of the First Claimant  
Name: Jolyon Maugham  
Second witness statement  
Exhibits: 6  
Date: 17 October 2025

**IN THE HIGH COURT OF JUSTICE**  
**KING’S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

**Claim No. AC-2025-LON-001953**

**In the matter of an application for Judicial Review**

**B E T W E E N:**

**The King on the Application of**

**(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**

---

**SECOND WITNESS STATEMENT OF JOLYON MAUGHAM**

---

I, Jolyon Maugham, founder and executive director of Good Law Project Limited (“GLP”) of 3 East Point, High Street, Seal, Sevenoaks, Kent, United Kingdom, TN15 0EG, WILL SAY AS FOLLOWS:

**Introduction**

1. I make this statement in support of the Claimants’ application for judicial review of the lawfulness of the Equality and Human Rights Commission’s (“EHRC”) guidance published on 25 April 2025 (‘the Guidance’) and further to my first witness statement of 6 June 2025 (‘First Witness Statement’).

2. In so far as the facts in this statement are within my knowledge, they are true. In so far as the facts in this statement are not within my direct knowledge, they are true to the best of my knowledge and belief.
3. In this statement, I exhibit certain documents in “Exhibit JM2”.
4. The purpose of this short supplemental statement is three-fold. Firstly, to update the Court on GLP’s continued work with the trans community, in support of our standing to bring the claim. Secondly to demonstrate, by reference to examples, what the Guidance was understood to mean when it was published. Thirdly, to explain the wide and continuing impact that the Guidance has had and continues to have, by reference to the experiences of those who have continued to contact GLP notwithstanding updates to the Guidance (in relation to the provision of single-sex toilets in workplaces and single-sex services) on 25 June 2025 and its withdrawal on 15 October 2025.

#### GLP’s standing and sufficient interest

5. Please refer to my First Witness Statement for the background to GLP’s longstanding commitment to the trans community and work through campaigns and litigation relating to trans rights.
6. Since my First Witness Statement, GLP has continued its work seeking to advocate for and defend trans rights, including but not limited to advising trans employees with respect to discrimination claims against their employers.
7. As noted in my First Witness Statement, it is not always possible for GLP to talk about the legal cases and campaigns we have supported because doing so may harm the trans people we have sought to support. However, we can share some examples of our continued work relating to trans rights.
8. GLP has commenced judicial review proceedings concerning a trans woman whose employer was advised by the Equality Commission for Northern Ireland (“ECNI”) that she should not be allowed to use the women’s toilets in her workplace. In response to GLP’s PAP letter, this advice was withdrawn.
9. Subsequent to this, the ECNI sent a PAP letter to a number of organisations which it considered to have an interest in this area, including GLP, expressing its intention to seek a declaration from the Court on the implications of the decision of the Supreme Court in For Women Scotland. GLP replied to the ECNI’s PAP letter, outlining our consideration of the legal issues, and has agreed a stay in our judicial review proceedings whilst such a declaration is sought.

10. GLP successfully challenged an attempted injunction by the EHRC's landlord following a protest by a trans rights group outside its London office. We also brought a case against the law firm Morrison Foerster for dropping a trans client, which settled with the firm agreeing to pay full damages and costs.
11. GLP also won an appeal brought on behalf of a trans man (W) who had been denied a Gender Recognition Certificate ("GRC") on the basis that he had been trying to conceive a child. The High Court ruled that the Gender Recognition Panel acted unlawfully in denying the man a GRC.
12. A large part of GLP's work is around advocating for and defending trans rights, and for the reasons set out in both my First Witness Statement and this statement, GLP has a clear and particular interest in the matter being challenged.

### Interpretation of EHRC Guidance

13. The Guidance has been widely interpreted as stating that, both in public services and workplaces, trans people should not be permitted to use the toilets of their lived gender. This interpretation was also reported in the news at the time:
  - a. The BBC published an article on 26 April 2025 which stated: *"The new guidance says that, in places like hospitals, shops and restaurants, 'trans women (biological men)' should not be permitted to use the women's facilities"* (exhibited as **JM2-01**)
  - b. Pink News published an article on 28 April 2025 which stated: *"This means that, under EHRC's guidance, trans people are not allowed to go into any gendered toilets whatsoever: only unisex facilities. It's important to remember that, while the EHRC's guidance is concerning and should be criticised, it is not law."* (exhibited as **JM2-02**)
14. This interpretation of the Guidance, and of the effect of the Supreme Court's judgment, was also reflected in other public statements by the Commission and its representatives around the time of the publication of the Guidance.
15. On 17 April, in an interview on BBC Radio 4's Today Programme, the Chair of the Commission, Baroness Kishwer Falkner, was asked about trans people's concerns about access to toilets following the judgment. She responded that: *"they should be using their powers of advocacy to ask for those third spaces, but I think the law is quite clear that if a service provider says we are offering a women's toilet, trans people should not be using that single-sex facility. The steer from the Supreme Court is quite clear in that regard"*. Her comments in this interview were lately reported in a BBC News article, which stated (under the heading "What does this ruling mean in practice?"): *"Women's toilets, changing rooms and other single sex spaces will be for biological women only."* (exhibited as **JM2-03**).

16. On 21 April in an article in The Times titled “Ill-informed challenges to the Supreme Court decision help nobody”, Akua Reindorf, in her capacity as EHRC commissioner, stated that (exhibited as **JM2-04**):

*It has been said, for example, that competitive sex-segregated sports and single-sex facilities in workplaces, schools and services can operate on the basis of self-identified gender rather than biological sex. This was false before the Supreme Court judgment, and it is even more false now. Indeed, if it were true, the appeal would not have been won.*

*Single-sex facilities are mandatory in workplaces and schools. The judgment has put it beyond doubt that the Equality Act, with other legislation, requires these to be provided according to biological sex. Single sex arrangements are not mandatory in competitive sports or services open to the public, such as gym changing rooms or refuges for victims of domestic violence. However, it is likely to be discrimination against women not to provide them where they are appropriate, and public authorities must pay particular attention to making adequate provision for women under the public sector equality duty.*

*A service or competitive sport can be designated as single-sex if it meets conditions set out in the Equality Act.... Otherwise it ceases to meet those single-sex conditions and must admit all members of the opposite sex... it is not arguable that the law of indirect discrimination because of gender reassignment can be used to circumvent these principles.*

#### Continued impact of the Guidance

17. I am aware that recommendations in the Guidance are continuing to impact the lives of trans and intersex people. Since my First Witness Statement and also since the EHRC amendments to the Guidance on 25 June 2025, GLP has been contacted by many people who were adversely affected in similar ways to the Second, Third and Fourth Claimants as a result of the Guidance.
18. Some of those who have contacted GLP have mentioned that they had long used facilities according to their lived gender and have been told that they must start using facilities which match their ‘biological sex’, the disabled toilets, or gender neutral toilets. These facilities have often been insufficient, inappropriate or unavailable. Many of those who have contacted us have told us that employers and service providers have referred to the EHRC Guidance as justification for this. Some described that employers had removed pre-existing trans inclusion policies and replaced them with the wording of the EHRC’s interim guidance, or that the EHRC’s interim guidance was sent out to

all employees and service users, with instructions that this was to be immediately implemented and followed.

19. Those people have also described the impact of the Guidance. Key themes we have noticed include: feeling isolated, nervous and scared to partake in public life as they previously have done, fearful of privacy being violated, fearing harassment, violence, and ostracisation, or even the loss of their employment. Several of those who have contacted us have explained that the EHRC's interim guidance and its impact has led them to consider suicide. I notice that a number of these themes were explored in a letter from the Commissioner for Human Rights of Council of Europe, addressed to the Chair of the Joint Committee on Human Rights and the Chair of the Women and Equalities Committee dated 3 October 2025 (exhibited as **JM2-05**).
20. On the 15 October 2025 it came to my attention that the EHRC's website was updated to state that:

*The draft code was submitted to the Minister for Women and Equalities for approval on 4 September 2025. The next stage is for a draft code, as approved by her, to be laid before Parliament.*

*On 15 October 2025, we wrote to the minister to ask for:*

- *an update on that process*
- *the revocation of the 2011 version of the code, as it is now out of date in various respects*

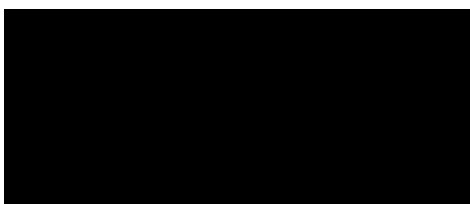
*Given these important developments, we have removed the interim update from our website.*

21. The decision to remove the Guidance and the timing is a surprise, given the EHRC's previous assertions that it constitutes a "News update" (exhibited as **JM2-06**). No explanation for the decision is provided on the website. However, I note that the EHRC has neither corrected nor repudiated the Guidance.

### **Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

A large black rectangular box redacting the signature of the witness.

Date: 17/10/2025

Statement on behalf of the First Claimant  
Name: Jolyon Maugham  
Second witness statement  
Exhibits: 6  
Date: 17 October 2025

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

**Claim No. AC-2025-LON-001953**

**In the matter of an application for Judicial Review**

**B E T W E E N:**

**The King**  
**on the Application of**

**(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**

---

**SECOND WITNESS STATEMENT OF JOLYON MAUGHAM**

**EXHIBIT JM2-01**

---

[Home](#) | [InDepth](#) | [Israel-Gaza war](#) | [War in Ukraine](#) | [Climate](#) | [UK](#) | [World](#) |[More](#)[Business](#) | [Politics](#) | [Culture](#)[UK](#) | [England](#) | [N. Ireland](#) | [Scotland](#) | [Alba](#) | [Wales](#) | [Cymru](#) | [Isle of Man](#) | [Guernsey](#) | [Jersey](#) |[Local News](#)

# Equality watchdog issues interim guidance on single-sex spaces



GETTY IMAGES

**Damian Grammaticas**

Political correspondent

26 April 2025

**The Equality and Human Rights Commission (EHRC) has released interim guidance on how organisations should interpret the UK Supreme Court's**

CHB/340

## **ruling that a woman is defined by biological sex in law.**

**The new guidance** says that, in places like hospitals, shops and restaurants, "trans women (biological men) should not be permitted to use the women's facilities". It also states that trans people should not be left without any facilities to use.

The EHRC said it was releasing interim guidance because "many people have questions about the judgement and what it means for them".

Guidance on when competitive sports can be single-sex will be published in due course, the EHRC said.

Last week the Supreme Court **found the terms "woman" and "sex" in the 2010 Equality Act** "refer to a biological woman and biological sex".

This means, for instance, that transgender women, who are biologically male but identify as women, can be excluded from women-only spaces.

As part of the judgement, Supreme Court judge Lord Hodge stressed that the law still gives protection against discrimination to transgender people.

The EHRC - which enforces equalities law and provides guidance to policymakers, public sector bodies and businesses - said the impact of the ruling was that "if somebody identifies as trans, they do not change sex for the purposes of the [Equality] Act, even if they have a Gender Recognition Certificate (GRC)".

In this respect, the EHRC says, "a trans woman is a biological man" and "a trans man is a biological woman".

The guidance also states that "in some circumstances the law also allows trans women (biological men) not to be permitted to use the men's facilities, and trans men (biological women) not to be permitted to use the women's facilities".

When asked to clarify this, the EHRC pointed to a section of the Supreme Court ruling stating that trans men could be excluded from women's facilities "where reasonable objection is taken to their presence, for example because the gender reassignment process has given them a masculine appearance or attributes to which reasonable objection might be taken" in the context of a women-only service.

The EHRC guidance adds: "However where facilities are available to both men and women, trans people should not be put in a position where there are no facilities for them to use."

Akua Reindorf KC, a barrister and a Commissioner at the EHRC, told BBC Radio 4's PM programme that situations where trans men could be excluded from women's facilities would be decided on a "case-by-case" basis.

She said there "should never be a situation where a trans person is left without a toilet to use".

But, citing the example of a rape crisis counselling session, she said a trans man could be "excluded properly and lawfully from that because of the alarm that it may cause to vulnerable women to share that space with somebody who to all intents and purposes appears to be a man".

Where possible, mixed-sex toilets, washing or changing facilities should be provided in addition to sufficient single-sex facilities, according to the guidance.

Alternatively, the guidance says it is possible to have toilet, washing or changing facilities which can be used by all, provided they are "in lockable rooms (not cubicles)" and intended to be used by one person at a time. One such example might be a single toilet in a small business such as a café.

In schools, it says: "Pupils who identify as trans girls (biological boys) should not be permitted to use the girls' toilet or changing facilities, and pupils who identify as trans boys (biological girls) should not be permitted to use the boys' toilet or changing facilities. Suitable alternative provisions may be required."

In associations - groups or clubs with more than 25 members - the EHRC says "a women-only or lesbian-only association should not admit trans women (biological men), and a men-only or gay men-only association should not admit trans men (biological women)".

The EHRC says the interim guidance, published online on Friday evening, is intended to highlight the main consequences of the Supreme Court judgement.

"Employers and other duty-bearers must follow the law and should take appropriate specialist legal advice where necessary," it adds.

A two-week consultation to seek views from "affected stakeholders" is expected to be launched in May.

The EHRC aims to provide an updated code of practice to the government for ministerial approval by the end of June.

A government spokesperson said: "We welcome the ruling and the clarity it brings for women, and service providers.

"We will review and update policy wherever necessary to ensure it complies with the latest legal requirements."

A spokesman for the Scottish government said it was "keen to work with EHRC to ensure consistent, inclusive and comprehensive guidance is in place

following the Supreme Court judgement" and would meet the body to "discuss further".

## Related topics

Women's rights

UK Supreme Court

LGBT

Transgender people



**The Supreme Court ruling gives clarity - but now comes the difficult part**

19 April



**Supreme Court backs 'biological' definition of woman**

16 April



**Five key takeaways from Supreme Court ruling**

16 April

## More on this story

**EHRC - An interim update on the practical implications of the UK Supreme Court judgment**

## Top stories

**[MI5 chief 'frustrated' over collapse of China spy case](#)**

29 minutes ago

**The unanswered questions after release of China spy evidence**

2 hours ago

**Reeves plans 'targeted action' on bills in Budget**

21 minutes ago

Statement on behalf of the First Claimant  
Name: Jolyon Maugham  
Second witness statement  
Exhibits: 6  
Date: 17 October 2025

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

**Claim No. AC-2025-LON-001953**

**In the matter of an application for Judicial Review**

**B E T W E E N:**

**The King**  
**on the Application of**

**(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**

---

**SECOND WITNESS STATEMENT OF JOLYON MAUGHAM**

**EXHIBIT JM2-02**

---

UK

# Key takeaways from the EHRC guidance on single-sex spaces – what does it actually say?

Apr 28 • Written by [Amelia Hansford](#)

[Share](#) [Save for later](#) [6 Comments](#) [Listen](#)



The EHRC guidance has been heavily criticised. (Getty)

**Recent guidance on the rights of trans people to access single-sex spaces in the UK has been heavily criticised, leaving many people deeply concerned about what it means, and wondering whether it negates the protections offered by the Equality Act 2010.**

Amid all of the online chatter and expressions of concern, it can sometimes be hard to get clarity, so we've taken a close look at the guidance and produced this guide to help you better understand it.

The non-statutory guidance, issued by the Equality and Human Rights Commission (EHRC) on Saturday (25 April), attempts to provide information about how single-sex spaces should be accessed in public.

The EHRC guidance comes in response to an 88-page **UK Supreme Court** decision issued on 16 April, in which it ruled that the legal definition of a woman in the 2010 Equality Act refers to “biological” women only, therefore excluding transgender women.



Kishwer Falkner, chair of the EHRC, has been criticised on a number of occasions for her stance on trans issues. (Youtube/UBS Center)

The EHRC, which has previously come under fire for its guidance on the rights of trans people since the appointment of Baroness Kishwer Falkner as chairperson in 2020, wrote that it aimed to “provide further clarity” with the updated guidance.

But its recommendations, which are used to justify statutory and non-statutory policies, have been heavily condemned by experts who argue they have been “rushed” and “ill-thought through.”

Here is an overview of the main points in the EHRC’s updated guidance on single-sex spaces.

## **EHRC says trans people should be banned from *all* gendered bathrooms**

The biggest takeaway from the EHRC’s updated guidance is that it recommends public businesses and buildings forbid trans women from using the women’s facilities and trans men from using the men’s facilities.

However, the guidance also adds that, in “some circumstances,” trans women should also be banned from the men’s facilities and trans men from women’s facilities.

## You may like to watch



This means that, under EHRC’s guidance, trans people are not allowed to go into *any* gendered toilets whatsoever: only unisex facilities.

Several experts have branded these recommendations as “segregation” and blatant discrimination since, if gender-neutral toilets are unavailable or out of order, trans people will simply not be able to go to the bathroom.

## Businesses could face ‘indirect sex discrimination’ charges for only having gender-neutral toilets

In its section on providing gender-neutral toilets, the EHRC argues that services are not explicitly required to provide single-sex spaces and can instead use what it calls “mixed-sex” facilities.

---

AdChoices 

Sponsored

However, it goes on to argue that it could be considered “indirect sex discrimination against women” to only provide gender-neutral facilities.



Protestors have heavily criticised the EHRC in the past. (Getty)

This means that certain spaces, such as gyms, swimming pools, or venues, could be forced to make their changing rooms or toilets single-sex. This could also disproportionately affect LGBTQ+ clubs and venues, many of which have gender-neutral facilities as standard.

The guidance also states that it is not vital to provide gender-neutral facilities at all, which, as unisex toilets are the only ones that trans people appear to be “permitted” to access under the guidance, essentially means that the EHRC don’t consider that it is essential to provide trans people with bathroom access.

## EHRC to address single-sex sporting competitions ‘in due course’

While commenting on the provision of single-sex spaces in sporting venues such as changing rooms or bathrooms, the EHRC did not comment on trans people entering gendered sporting competitions.

It said in the guidance that there are “rules” for competitive sports that are single-sex, but that it intends to address those rules “in due course.”

Given Falkner’s and the EHRC’s previous comments on trans participation in sports, it’s like the advisory body will recommend the exclusion of trans women from female competitive sports.

## EHRC guidance is *not* law

It’s important to remember that, while the EHRC’s guidance is concerning and should be criticised, it is not law and is not legally enforceable. The Equality Act 2010 still applies: and protects trans people from discrimination.

TransActual have an excellent guide to the wide-ranging protections afforded by the Equality Act 2010 [here](#).

In its guidance, the EHRC begins by saying that employers should “follow the law,” however there is no currently legal obligation to exclude trans people from single-sex spaces.

However, the EHRC recommendations could be used as a justification for any future legislation that makes its way through the Commons, which prime minister Keir Starmer and health secretary [Wes Streeting](#) have both voiced their respective support for.

Statement on behalf of the First Claimant  
Name: Jolyon Maugham  
Second witness statement  
Exhibits: 6  
Date: 17 October 2025

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

**Claim No. AC-2025-LON-001953**

**In the matter of an application for Judicial Review**

**B E T W E E N:**

**The King**  
**on the Application of**

**(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**

---

**SECOND WITNESS STATEMENT OF JOLYON MAUGHAM**  
**EXHIBIT JM2-03**

---

[Home](#) | [InDepth](#) | [Israel-Gaza war](#) | [War in Ukraine](#) | [Climate](#) | [UK](#) | [World](#) |[More](#)[Business](#) | [Politics](#) | [Culture](#)[UK](#) | [England](#) | [N. Ireland](#) | [Scotland](#) | [Alba](#) | [Wales](#) | [Cymru](#) | [Isle of Man](#) | [Guernsey](#) | [Jersey](#) |[Local News](#)

# Gender ruling offers clarity after years of ambiguity



GETTY IMAGES

**Alison Holt**

Social affairs editor

17 April 2025

**After years of argument and dispute about the meaning of gender, the watchword of Wednesday's Supreme Court ruling has to be clarity.**

Equality law has been made clear with the unambiguous statement that the term "woman" refers to a biological woman and does not include biological men who identify as women.

It is a "victory for common sense", according to the chairwoman of the Equality and Human Rights Commission (EHRC).

Baroness Falkner added: "If a male is allowed to use a women-only service, it isn't any longer a single-sex space."

This is a world away from the carefully chosen language which has been used to navigate gender issues for much of the last decade.

The Equality Act, which protects people who have been through gender reassignment from harassment, discrimination and sex discrimination, is enforced by the EHRC.

It is now updating its statutory code of conduct to take account of the judgment, saying that, with this new framework, it should be in a better position to enforce the law where it finds breaches.

It was directly involved in the Supreme Court case because it said inconsistencies over whether the term sex included or excluded transgender people with gender recognition certificates (GRC) was making equality law unworkable.

The ruling removes any ambiguity. Now, a GRC will not change a person's legal sex for the purposes of the Equality Act.

## **What does the ruling mean in practice?**

Public bodies - from the NHS and prisons to sports clubs and businesses - will already be reviewing their policies.

Women's toilets, changing rooms and other single sex spaces will be for biological women only.

In theory, that means a transgender man or woman should use facilities that correspond to their biological sex.

However, this is likely to present other difficulties as the person will be presenting as their gender identity to the outside world.

Baroness Falkner argues that transgender people should use "their power of advocacy" to persuade organisations to provide third spaces such as unisex toilets.

Cases such as that of **the nurse, Sandie Peggie, who was suspended** after refusing to share a changing room with a transgender doctor, are likely to be reviewed.

NHS Fife, the health board involved in the case, told the BBC that it noted the clarity provided by the ruling and would "carefully consider the judgment".

**Supreme Court backs  
'biological' definition  
of woman**

16 April

**Five key takeaways  
from Supreme Court  
ruling**

16 April

**Women's  
campaigners  
celebrate court win -  
but what will it  
change?**

16 April

## What it means for sport

Following the ruling, trans women cannot compete in women's sport, the EHRC says.

Sport has been one of the most hotly contested areas in the debate about gender. In recent years, many sports have tightened rules around transgender athletics at elite levels.

Athletics, cycling and aquatics, for example, have banned transgender women from taking part in women's events.

Other sports have put eligibility criteria in place. Earlier this month, the English Football Association introduced stricter rules - but still allowed transgender women to continue to compete in the women's game on the condition that their testosterone was kept below a certain level.

However, it will take time to consider the implications on eligibility in elite sport, so there will not be any immediate change. Governing bodies are not compelled to amend or reconsider their rules - but if their rules now break equality law, they could face enforcement action.

**Gender ruling is good  
for women's sport -  
Lord Coe**

 Sport · 17 April

For some there will be concerns about what the ruling means for transgender people.

The Supreme Court justices emphasised that transgender people already have protections against discrimination and harassment written into the Equality Act.

The EHRC will look to protect these rights, and Baroness Falkner said they "stand ready to support those people".

Trans rights campaigners have said they will be examining the judgment closely to decide their next steps - and it is possible they could attempt to put pressure on the government to change the Equality Act.

## Related topics

[UK Supreme Court](#)   [Gender](#)   [Transgender people](#)

## More on this story



**NHS will be pursued if gender policies don't change, equalities watchdog says**

17 April

## Top stories

**MI5 chief 'frustrated' over collapse of China spy case**

1 hour ago

**The unanswered questions after release of China spy evidence**

4 hours ago

**Reeves plans 'targeted action' on bills in Budget**

1 hour ago

## More to explore



Statement on behalf of the First Claimant  
Name: Jolyon Maugham  
Second witness statement  
Exhibits: 6  
Date: 17 October 2025

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

**Claim No. AC-2025-LON-001953**

**In the matter of an application for Judicial Review**

**B E T W E E N:**

**The King**  
**on the Application of**

**(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**

---

**SECOND WITNESS STATEMENT OF JOLYON MAUGHAM**  
**EXHIBIT JM2-04**

---



AKUA REINDORF

## Ill-informed challenges to Supreme Court decision help nobody

Citizens should be involved in debate about law reform, but questioning the legitimacy of the judgment on misconceived grounds is irresponsible

Akua Reindorf Monday April 21 2025, 5.55pm BST, The Times

**L**ast Wednesday the Supreme Court ruled that in the Equality Act 2010, “woman” refers to a biological woman and “sex” refers to biological sex. It was a decisive moment in the long and bitter political conflict between gender-critical women’s rights campaigners and advocates for trans rights.

Previously the prevailing interpretation had been that a “woman” for the purposes of the act was either a biological woman or a trans woman (biologically male) who held a Gender Recognition Certificate.

The Equality and Human Rights Commission intervened in the appeal, arguing that this interpretation caused intractable problems for the rights of women and of lesbian, gay and bisexual people. In its 88-page judgment, the court agreed. The commission’s position was that solving this problem was a matter for parliament. On this the court disagreed, and instead did the job itself.

Unless the legislation is changed, the judgment is the final word on the defining question of the debate: what is a woman? The answer — at least in discrimination law — is that a woman is a person who was born female.

• [A historic victory — but did we need a court to tell us what a woman is?](#)

×

The law in this area is complex, but the judgment is a model of clarity and provides a solid foundation for approaching consequential issues. It cannot cover everything, however, and since it was handed down there has been much public debate about its implications for everyday life. This has included challenges to its legitimacy and correctness.

Lively critical discussion is vital to civic life and democratic participation. Unfortunately, on this occasion much of it has been fuelled by misunderstanding, [wishful thinking](#) and distortion.

It has been said, for example, that competitive sex-segregated sports and single-sex facilities in workplaces, schools and services can operate on the basis of self-identified gender rather than biological sex. This was false before the [Supreme Court judgment](#), and it is even more false now. Indeed if it were true, the appeal would not have been won.

Single-sex facilities are mandatory in workplaces and schools. The judgment has put it beyond doubt that the Equality Act, with other legislation, requires these to be provided according to biological sex.

Single-sex arrangements are not mandatory in competitive sports or services open to the public, such as gym changing rooms or refuges for victims of domestic violence. However, it is likely to be discrimination against women not to provide them where they are appropriate, and public authorities must pay particular attention to making adequate provision for women under the public sector equality duty.

- [Organisations ‘must revisit policies’ after Supreme Court ruling](#)

A service or competitive sport can be designated as single-sex if it meets conditions set out in the Equality Act. If that designation is made, then the service or sport must admit only people of one biological sex. Otherwise it ceases to meet those single-sex conditions, and must admit all members of the opposite sex.

It is not arguable that the law of indirect discrimination because of gender reassignment can be used to circumvent these principles.

Another assertion that has confidently been made is that an employer or service provider must justify excluding trans people from single-sex provision in accordance with their lived gender, and that this must be done on a case-by-case basis. Reference has been made to the legal justification test: “proportionate means of achieving a legitimate aim”.

Again, this is false. Operating a service or sport on a (biological) single-sex basis must be justified by showing that separating the biological sexes is a proportionate means of achieving a legitimate

aim. Nothing further is needed to show that trans people should not be permitted to use the service in accordance with the sex in which they identify. Case-by-case decisions should not routinely be made: a single-sex rule must be predictable and consistent.

In fact, the judgment says that the Equality Act allows trans men (biological females) to be excluded from the women's facilities, and trans women (biological males) to be excluded from the men's. This might happen if, for example, a trans person looks so much like a person of the opposite biological sex that it would be disruptive to accommodate them in the single-sex service.

Undoubtedly this creates a double bind for trans people, and lawful solutions that preserve dignity and enable the full participation of trans people in public life must be found. An obvious one is to provide additional mixed-sex spaces alongside single-sex ones.

Criticising a Supreme Court judgment is not a novel activity, and citizens should be involved in debate about law reform. But lawyers, politicians and journalists must be mindful that their voices carry weight. It is irresponsible to make ill-informed or lazy challenges to the carefully reasoned decision of the country's most exceptional legal brains.

The Supreme Court has decided what parliament intended by following established rules of statutory interpretation, which are explained in the judgment. What civil servants or politicians think they remember about what was said or intended during the drafting and passage of the Equality Act is entirely irrelevant to this exercise.

- [Trans row epitomised Looking Glass lunacy](#)

Another claim being made is that the Supreme Court excluded trans voices, because it refused an application to intervene made by two trans individuals. But the Supreme Court does not hear evidence about lived experience; it considers legal arguments. A proposed intervener must show that they can make a distinctive contribution to the legal argument and assist the court with issues that go wider than their personal interest. Thus an individual is never likely to get permission, and it is advisable instead for applications to be made by representative organisations, such as charities or advocacy groups.

Of the many trans advocacy organisations in the UK, none applied to intervene. But their case was made thoroughly by leading practitioners acting for the well-established and reputable charity Amnesty and for the Scottish government.

Undermining the legitimacy of the judgment on such misconceived grounds helps nobody, and is all the more regrettable against the backdrop of misinformation that has been disseminated about the

law relating to sex and gender from ostensibly trustworthy sources over many years.

The Equality and Human Rights Commission is working at pace to produce clear, authoritative guidance. Employers, service providers, sporting bodies and other duty-bearers under the Equality Act should urgently review their policies and practices, using reliable specialist advice that does not emanate solely from interested lobby groups. What is needed is constructive dialogue about how the law can work for everybody, based on a shared and accurate understanding of the law as it is, rather than the law as activists would prefer it to be.

*Akua Reindorf KC is a commissioner for the Equality and Human Rights Commission*

UK > Politics

Related articles



LAW REPORT

The Supreme Court’s ruling on trans women in detail

April 20 2025, 5.10pm BST

The Times



Trans rights protesters who defaced statues ‘should be prosecuted’

April 20 2025, 10.15pm BST

David Woode, Crime Correspondent | Aubrey Allegretti, Chief Political Correspondent



JO CLIFFORD

Trans women like me are clearly not men

April 20 2025, 10.30pm BST

Jo Clifford

Statement on behalf of the First Claimant  
Name: Jolyon Maugham  
Second witness statement  
Exhibits: 6  
Date: 17 October 2025

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

**Claim No. AC-2025-LON-001953**

**In the matter of an application for Judicial Review**

**B E T W E E N:**

**The King**  
**on the Application of**

**(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**

---

**SECOND WITNESS STATEMENT OF JOLYON MAUGHAM**  
**EXHIBIT JM2-05**

---

Ref: CommHR/MOF/sf 134-2025

**The Lord ALTON of Liverpool**

Chair of the Joint Committee on Human Rights of the Parliament of the United Kingdom

**Ms Sarah OWEN MP**

Chair of the Women and Equalities Committee of the House of Commons of the United Kingdom

Strasbourg, 3 October 2025

Dear Chair of the Joint Committee on Human Rights,  
Dear Chair of the Women and Equalities Committee,

My mandate is to foster the effective observance of human rights in all member states of the Council of Europe. An important part of my work is to engage in dialogue with governments and parliaments of member states, and to assist them in addressing possible shortcomings in their laws and practices.

I am writing to you in relation to the human rights situation of trans people, which was one of the topics of my recent visit to the United Kingdom (30 June to 4 July). During the visit, I also had an exchange with Lord Alton. In my [end-of-visit statement](#) of 8 July 2025, I expressed my concern about the current climate for trans people in the UK. I would like to provide you with some further observations, in view of your respective Committees' interest in and engagement with this topic. These reflect similar observations shared with the Secretary of State for Education (Minister for Equalities), as well as the Chair of the Equality and Human Rights Commission.

My observations relate to the need to respect the human rights of trans people, in line with the UK's international human rights obligations, including as regards further steps following the Supreme Court's judgment in *For Women Scotland Ltd. v. The Scottish Ministers*. This is particularly important as the Supreme Court did not engage with these human rights issues. I understand that an updated code of practice for services, public functions and associations has recently been submitted for consideration by the UK government, as the last step before the document becomes subject to Parliamentary approval. In this respect, I note that Parliament has an important role as a guarantor of human rights, and in ensuring coherence and compliance.

The European Court of Human Rights (the Court) has recognised that, the very essence of the European Convention on Human Rights (the Convention) being respect for human dignity and human freedom, it guarantees the right of trans people to personal development and to physical and moral security. Gender identity is covered as an aspect of private life under Article 8 of the Convention. This protection entails an obligation to provide for legal gender recognition, in order to avoid the unsatisfactory situation in which trans people live in an "intermediate zone [as] not quite one gender or the other" (*Christine Goodwin v. the United Kingdom*). The Court has further emphasised the importance of the impact on trans people of a discordance between their social reality and the law, with the coherence of the administrative and legal practices within the domestic system being an important factor in assessing whether there has been a violation of Article 8 (*Hämäläinen v. Finland*).

It should be ensured that steps taken towards implementing the Supreme Court judgment avoid a situation where a person's legal gender recognition is voided of practical meaning, to the extent that it leaves trans people in an unacceptable "intermediate zone". Where possible, inconsistencies within the domestic system, particularly with regard to the interplay between key legal frameworks such as the Equality Act and the Gender Recognition Act, which could lead to legal uncertainty or to dissonance between the lived experiences of trans people and their treatment in law, should be avoided. It is also to be recalled that not all trans people wish to obtain legal gender recognition, and in reality simply live

according to their gender identity. This does not in any way diminish their right to be treated with dignity, to be protected from discrimination, and to be able to participate in all areas of everyday life.

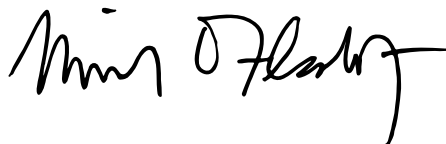
As I note in my end-of-visit statement, I observe a tendency to see the human rights of different groups as a zero-sum game. This has contributed to narratives which build on prejudice against trans people and portray upholding their human rights as a de facto threat to the rights of others. Such a zero-sum approach risks certain inferences being drawn from the UK Supreme Court judgment that could lead to widespread exclusion of trans people from many public spaces. This, in turn, may severely infringe on their ability to participate fully and equally in society. This is particularly the case, as discussions about how access to services and facilities will have to be regulated following the judgment have tended towards the exclusion of trans people. It would therefore be crucial for all stakeholders to receive clear guidance on how inclusion of trans people can be achieved across all areas, and how exclusion can be minimised to situations in which this would be strictly necessary and proportionate, in line with well-established human rights principles. In reality, tensions between the human rights of different groups in this context are likely to be exceptional in nature, and resolvable through nuanced, reasonable and balanced accommodations. This would also be in line with the approaches taken by various bodies of the Council of Europe (such as the Committee on the Prevention of Torture (CPT) or the Group of Experts on Violence Against Women (GREVIO)), which recognise the particular vulnerability of trans people, and which begin from the position of their inclusion within spaces according to their gender identity – with exceptions made on a case-by-case basis as necessary.

Another area of concern is that blanket practices or policies on access to gender-segregated spaces could be put in place, which would require trans people to habitually “out” themselves publicly when accessing services or facilities, either directly (by being asked about their sex assigned at birth) or indirectly (by having to use services or facilities in such a way that it becomes apparent they are trans). Forced or non-consensual disclosure of private data falls within the sphere of private life under Article 8 of the Convention (see *Bazhenov and Others v. Russia* in relation to disclosure of sexual orientation). While this right is not absolute and can be subject to limitations in the interests of a number of grounds, this may only be done in accordance with the law, when necessary in a democratic society and proportionate to the aim sought. Disclosure requirements may have significant implications not only for trans people, but for others too, especially for those whose gender expression does not conform to their gender identity. Beyond privacy concerns, being forced to disclose sex assigned at birth may also significantly increase people’s vulnerability to harassment, abuse and even violence.

I conclude by emphasising that the foregoing in no way detracts from the need to continue improving measures to prevent violence against women and girls, as well as the protection and promotion of women’s rights and gender equality more generally. I am concerned that a debate about violence against women, framed in a way that restricts the human rights and freedoms of trans people, risks undermining the comprehensive, evidence-based approach needed to address this epidemic.

I would appreciate if you could share a copy of this letter with all members of your respective Committees.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael O'Flaherty', with a stylized, cursive script.

Michael O'Flaherty

Statement on behalf of the First Claimant  
Name: Jolyon Maugham  
Second witness statement  
Exhibits: 6  
Date: 17 October 2025

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

**Claim No. AC-2025-LON-001953**

**In the matter of an application for Judicial Review**

**B E T W E E N:**

**The King**  
**on the Application of**

**(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**

---

**SECOND WITNESS STATEMENT OF JOLYON MAUGHAM**  
**EXHIBIT JM2-06**

---

# UK Supreme Court ruling on the meaning of sex in the Equality Act: our work



The draft code was submitted to the Minister for Women and Equalities for approval on 4 September 2025. The next stage is for a draft code, as approved by her, to be laid before Parliament.

On 15 October 2025, [we wrote to the minister](#) to ask for:

- an update on that process
- the revocation of the 2011 version of the code, as it is now out of date in various respects

Given these important developments, we have removed the interim update from our website. Duty bearers should:

- continue to take specialist legal advice, as before, on their obligations under any relevant legislation, including the Equality Act 2010 and Human Rights Act 1998
- use the new code when it is approved by Parliament

## About this page

This page shows our work following the UK Supreme Court ruling on 16 April 2025 in *For Women Scotland Ltd v The Scottish Ministers*.

The ruling was that the definition of sex in the Equality Act 2010 (the Act)

should be interpreted as 'biological' sex only. This means that, for the purposes of the Act, a person's legal sex is the one that was recorded at their birth. According to the ruling, obtaining a Gender Recognition Certificate (GRC) does not change your legal sex for Equality Act purposes.



## Our role and approach

We are the regulator of the Equality Act 2010. We do not make the law, but it is our job to ensure that it is followed. [Read more about how we do this.](#)

In 2024, we opened a public consultation to update our code of practice for services, public functions and associations. Following the UK Supreme Court ruling on the definition of 'sex' in the Equality Act 2010, we ran a second consultation on some proposed updates to the guidance. This consultation closed on 30 June 2025. Since then, we have:

- analysed the consultation responses
- used the responses to inform further changes to the code

On 4 September 2025, we submitted the draft code to the UK government.

Once the UK government approves the draft, it will lay the draft code before Parliament for their review. Parliament will then have 40 days to review the code. The government will decide when to start this procedure.

If Parliament does not disapprove the code, the government will set a date for it to come into force. We will then publish it on our website.

This means that the code will have legal status as the guide on how service providers, public functions and associations can meet the duties set out in the Equality Act 2010.

## Our draft code of practice

### Code of practice for services, public functions and associations: consultation 2025



This page is part of our consultation on our code of practice for services, public functions and...

15 October 2025

## Guidance on protected characteristics

### Gender reassignment discrimination



What is gender reassignment discrimination? We explain its definition, areas covered and what...

23 February 2023

### Sex discrimination



What is sex discrimination? We explain its definition, areas covered and what constitutes...

19 February 2020

## Sexual orientation discrimination



What is sexual orientation discrimination? We explain its definition, areas covered and what...

11 October 2016

## News



### News

Equality law regulator submits updated code of practice to Minister for Women...

5 September 2025





Statement

EHRC Chief Executive responds to Times article on Code of Practice consultation

8 August 2025



News

Consultation on updates to services Code of Practice closes

1 July 2025



News

Equality regulator opens consultation on updates to services Code of Practice

20 May 2025



News

Update on arrangements for Code of Practice consultation

14 May 2025



**Statement**

**EHRC statement on Supreme Court ruling in For Women  
Scotland v Scottish...**

16 April 2025



## Advice and support

If you think you might have been treated unfairly and want further advice, you can contact the Equality Advisory and Support Service (EASS).

The EASS is an independent advice service, not operated by the Equality and Human Rights Commission.