

IN THE COURT OF APPEAL
CIVIL DIVISION
ON APPEAL FROM THE ADMINISTRATIVE COURT

No.: []

B E T W E E N: -

The King on the Application of
GOOD LAW PROJECT LIMITED

Appellant/Claimant

- and -

EQUALITY AND HUMAN RIGHTS COMMISSION

Respondent/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

APPELLANT/FIRST CLAIMANT'S GROUNDS OF APPEAL

1. At paragraphs 15 to 17 of the Judgment, the learned Judge held that the Appellant lacks standing to bring the judicial review challenge in this case on the basis that it does not have a "*sufficient interest*" within the meaning of section 31(3) of the Senior Courts Act 1981.
2. In so finding, and in dismissing the Appellant's application for permission to apply for judicial review for want of standing (paragraph 102 of the Judgment), the learned Judge erred in law.

- 2.1. Ground 1: the learned Judge erred in dismissing the Appellant's application to bring the judicial review claim on the ground that the Appellant lacked a "*sufficient interest*" within the meaning of section 31(3) of the Senior Courts Act 1981.

DANIEL STILITZ KC

HANNAH SLARKS

CRASH WIGLEY

SAMUEL WILLIS

11KBW and Landmark Chambers

20 February 2026

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APPELLANT/FIRST CLAIMANT’S SKELETON ARGUMENT

References to the Core Bundle are in the form [CB/XX], where XX is the page number. References to JM1, [X], and JM2, [Y], are references to the first and second witness statements, respectively, of Jolyon Maugham, where [X] and [Y] is the paragraph number.

I. Introduction

1. The Administrative Court erred in concluding that the Appellant lacks standing to bring the instant claim for judicial review (at paragraph 17 of *R (Good Law Project Ltd and others)*)

v Commission for Equality and Human Rights [2026] EWHC 179 (Admin) (“the Judgment”). It is submitted that Swift J erred as follows:

- 1.1. The standing of a claimant in relation to a particular application for judicial review must be considered in light of all the circumstances of the particular case. It was wrong in principle simply to apply to this case the analysis of a materially different case in which the Appellant was found not to have standing. The Judge should have conducted an analysis of the factors and principles relevant to the instant case, with regard to the evidence adduced before the Court;
- 1.2. In any event, the Judge was wrong in holding that the analysis at paragraphs 54 to 59 of *R (Good Law Project Ltd and Runnymede Trust) v Prime Minister* [2022] EWHC 298 (Admin) (“*Runnymede*”) was applicable. The reason for denying the Appellant standing set out in those paragraphs of *Runnymede* manifestly does not apply in the instant case;
- 1.3. The authorities have established that the threshold for standing is deliberately not a high one. The purpose of the standing requirement is to weed out “*busybodies*”. On a fair analysis and review of the facts, in no way can the Appellant fairly be characterised as a “*mere busybody*” in relation to a claim concerning the rights of trans people;
- 1.4. On the evidence before the Court, the Appellant plainly had standing to bring the present proceedings. The Appellant has a long-standing, specialist interest in, and substantial experience of campaigning on, the issues of trans rights which are raised in the present proceedings. It has a track record of advising, litigating on behalf of and advocating for the rights of trans people. It clearly had a sufficient interest to be a party to the proceedings;
- 1.5. The Appellant has standing alongside the individual claimants. In principle, it will often be appropriate for an NGO and individual claimants to bring a claim together. This is such a case.

II. Relevant Background

2. The Claimants below challenged the lawfulness of Guidance published by the Defendant/Respondent (“**the EHRC**”) on 25 April 2025 (“**the Guidance**”), ostensibly to “*highlight the main consequences of the judgment*” of the Supreme Court in *For Women Scotland Ltd v Scottish Ministers* [2025] UKSC 16; [2025] 2 W.L.R. 879 (“*FWS*”). The Claimants alleged that the Guidance set out legally erroneous advice relating to the provision of access to toilet and other facilities by employers and service-providers to trans people, a matter which was not the subject of *FWS*.
3. The Claimants submitted that the EHRC acted unlawfully in promulgating the Guidance, on three grounds:
 - 3.1. **Ground 1:** The Guidance contained an erroneous analysis of the law, and authorised and approved unlawful conduct by those to whom it was directed;
 - 3.2. **Ground 2:** In publishing the Guidance, the EHRC acted in breach of its statutory duties under sections 3, 8, and 9 of the Equality Act 2006;
 - 3.3. **Ground 3:** If the Guidance reflected an accurate analysis of the relevant statutory provisions, and if those provisions could not be read compatibly with trans people’s rights under Article 8 and/or Article 14 of the Convention pursuant to section 3 of the Human Rights Act 1998 (“**the HRA 1998**”), then the Court should either disapply regulation 20 of the 1992 Regulations or make an appropriate declaration of incompatibility under section 4 HRA 1998.
4. The application was initially brought only by the Appellant, pending the making of an order safeguarding the anonymity of three proposed further claimants, who asked to be joined as claimants only if they were granted anonymity [CB/28]. This anonymity order was made [CB/382], and so the three individual claimants were added [CB/386]. By the time of the rolled-up permission hearing, there were therefore four Claimants (including the Appellant):
 - 4.1. The Appellant is a private company limited by guarantee with legal campaigning objectives that include, in particular, the use of litigation to advance equality for trans

people in the UK. It is one of the largest advocates for trans rights in the UK. It has organised, raised money for, and financially supported almost all the leading public law cases on trans rights since 2020. Its crowdfunders to support litigation on trans rights issues following the handing down of the judgment in *FWS* attracted contributions from more than 17,000 individuals, including trans people and individuals who support trans equality;

4.2. The Second, Third and Fourth Claimants are trans or intersex people who have each been instructed by their employers to stop using the toilets which align with their lived gender.

5. Swift J found that the Second, Third, and Fourth Claimants had standing, but concluded that the Appellant did not (paragraphs 15-17 and 102 of the Judgment). He went on to dismiss the Second, Third, and Fourth Claimants' application on the merits. Those Claimants are seeking permission to appeal.

III. Legal Framework

6. Section 31(3) of the Senior Courts Act 1981 (“**SCA 1981**”) provides the statutory basis for the requirement that a claimant in judicial review proceedings has standing:

“(3) No application for judicial review shall be made unless the leave of the High Court has been obtained in accordance with rules of court; and the court shall not grant leave to make such an application unless it considers that the applicant has a sufficient interest in the matter to which the application relates.” [Emphasis added]

7. The test for standing is thus whether the applicant for permission has “*a sufficient interest in the matter to which the application relates*”.

8. This is not a high threshold. The “*sufficient interest*” test was recently described by the Privy Council as a “*very liberal and relaxed test of standing in judicial review proceedings*” (per Lord Boyd in *Mussington v Development Control Authority* [2024] UKPC 3; [2024] PTSR 460 at [36]).

9. The purpose of the rule on standing is to enable courts to distinguish between those who have a reasonable concern in the matter to which the application relates, and the mere busybody. As Lord Hope explained in *AXA General Insurance Ltd v Lord Advocate*¹ [2011] UKSC 46; [2012] 1 AC 868 (“*AXA*”) at [63]:

“One must, of course, distinguish between the mere busybody, to whom Lord Fraser of Tullybelton referred in *R v Inland Revenue Commissioners, Ex p National Federation of Self-Employed and Small Businesses Ltd* [1982] A.C. 617, 646, and the interests of the person affected by or having a reasonable concern in the matter to which the application is related.” [Emphasis added]

10. Lord Reed noted in *AXA* at [170] that “*A requirement that the applicant demonstrate an interest in the matter complained of will not however operate satisfactorily if it is applied in the same way in all contexts*”. Standing is necessarily fact-sensitive and must be determined in light of the facts and nature of the specific case at issue.

11. Lord Reed provided further guidance in relation to the threshold for standing in *Walton v Scottish Ministers* [2012] UKSC 44; [2013] PTSR 51 (“*Walton*”) at [92]:

“As is clear from that passage, a distinction must be drawn between the mere busybody and the person affected by or having a reasonable concern in the matter to which the application relates. The words ‘directly affected’, upon which the Extra Division focused, were intended to enable the court to draw that distinction. A busybody is someone who interferes in something with which he has no legitimate concern. The circumstances which justify the conclusion that a person is affected by the matter to which an application relates, or has a reasonable concern in it, or is on the other hand interfering in a matter with which he has no legitimate concern, will plainly differ from one case to another, depending upon the particular context and the grounds of the application. As Lord Hope made plain in the final sentence, there are circumstances in which a personal interest need not be shown.” [Emphasis added]

12. It follows that the test for standing is highly fact-sensitive, and not unduly onerous.

IV. SUBMISSIONS

¹ In *AXA* and *Walton*, the Supreme Court held that the approach to judicial review in Scotland was governed by the principle of standing, based upon a sufficient interest (*AXA*, per Lord Hope at [62]-[63] and Lord Reed at [170]-[171]; *Walton*, [89]-[96]), so the position under Scots law is broadly aligned with the position in English and Welsh law.

(1) Standing must be considered on a case-by-case basis, taking into account the circumstances and evidence of the instant case

13. The standing of a claimant in relation to a particular application for judicial review must be considered in light of all the circumstances of the particular case. It is submitted that it was wrong in principle simply to apply to this case the analysis of a very different case in which the Appellant was found not to have standing.

14. Swift J held at paragraph 16 of the Judgment:

“The Good Law Project Limited is not personally or directly affected by the decision challenged in this case. I accept that it has a sincere interest in the subject matter of the case but that is not enough to establish the ‘sufficient interest’ required by section 31(3) of the Senior Courts Act 1981. In this case, the analysis at paragraphs 54 – 59 of the earlier Good Law Project Limited case applies. Further, in this case there are claimants – the three individual Claimants – who are both directly affected by the guidance contained in the Interim Update and already before the court.” [Emphasis added]

15. It follows that Swift J’s conclusion that the Appellant lacked a “*sufficient interest*” was grounded in the analysis of a very different case, brought several years ago by the same claimant against a different defendant in respect of a very different subject-matter.

16. It is submitted that this is wrong in principle (save in the scenario where two cases are brought in identical or strikingly similar circumstances). The authorities are clear that standing is highly context-dependent: see Lord Reed in *Walton* (supra) at [92].

17. It follows that Swift J should have conducted an analysis of the Appellant’s standing in relation to this claim – having regard to all the circumstances of the case, which required engagement with the evidence before the Court relevant to standing (including the two witness statements from Jolyon Maugham, the founder and executive director of the Appellant).

(2) The reasons for denying standing in *Runnymede* do not apply in the instant case

18. At paragraph 16 of the Judgment, Swift J applied the analysis of the Divisional Court at paragraphs 54 to 59 of *Runnymede* to the question of the Appellant's standing in the instant case.
19. *Runnymede* was a challenge to appointments to senior positions during the Covid-19 pandemic without open competition, which was alleged to have been unlawfully indirectly discriminatory, to have given rise to a breach of the public sector equality duty and to have been tainted by apparent bias.
20. There was no suggestion in that case that the Appellant had an established interest in the subject-matter of the proceedings. Instead, the Appellant sought to rely on its widely drafted general objects as set out in its Articles of Association to establish standing. At paragraphs 54 to 59, the Divisional Court rejected that reliance, holding at paragraphs 57-8:

“[57] No individual, even with a sincere interest in public law issues, would be regarded as having standing in all cases ... It cannot be right as a matter of principle that an organisation could in effect confer standing upon itself by drafting its objects clause so widely that just about any conceivable public law error by any public authority falls within its remit.

[58] In all the circumstances of this case, we are not persuaded that such a general statement of objects as is now set out in the GLP's Articles of Association can confer standing on an organisation. That would be tantamount to saying that the GLP has standing to bring judicial review proceedings in any public law case.”

21. The reasoning in paragraphs 54-59 of *Runnymede* is not applicable to the present case. The Appellant did not seek to rely on the objects set out in its Articles of Association to establish sufficient interest in this case. Instead, the Appellant relied on its long-standing, substantial and dedicated role in supporting trans rights. In particular, the evidence adduced in Mr Maugham's witness statements demonstrated the Appellant's sustained investment of time, money and effort in relation to advising, litigating on behalf of, and advocating on behalf of trans people. Accordingly, Swift J erred in failing to engage with the case on standing which the Appellant advanced before him, instead referring to an argument which was not advanced in the present case, but which had been rejected in a previous case.

22. The Divisional Court did not claim to be laying down new principles for the law of standing in *Runnymede*, as Choudhury J observed in *R (Good Law Project Ltd) v Secretary of State for Education and others* [2022] EWHC 1158 (Admin) at [5]. Indeed, Singh LJ and Swift J referred to and adopted at paragraph 23 as “helpful” the statements of principle in *AXA* and *Walton* cited above as to the correct approach to standing.

(3) On proper analysis, the Appellant clears the threshold for standing

23. In the light of the evidence which was before the Court, the Appellant plainly had a “reasonable concern in the matter to which the application relates” (*AXA*, paragraph 63; *Walton*, paragraph 92). The Appellant has invested considerable time, money, and effort in advocating for and defending trans rights. This goes well beyond a mere “strong and sincere” interest in the subject-matter of the application (see *Runnymede* at paragraph 28)².

24. The Appellant’s genuine subject-matter expertise in relation to trans rights is apparent from a survey of the GLP’s involvement and actions, as set out in Mr Maugham’s evidence, and summarised below.

25. In November 2020, the Appellant established the Legal Defence Fund for Transgender Lives (“**the Fund**”) (JM1, paragraph 10 [CB/282]). The Appellant intended that any funds raised were to be used to “work in partnership with others where litigation can protect and defend the rights of transgender people to live as themselves” (JM1, paragraph 10 [CB/282]). The Appellant established an Advisory Group to facilitate the administration of the Fund, and by December 2020 the crowdfunder had raised in excess of £193,000 (JM1, paragraph 10 [CB/282]).

26. In January 2021, GLP instigated a successful intervention in the Tavistock and Portman NHS Foundation Trust’s appeal in *Bell v Tavistock and Portman NHS Foundation Trust* [2021] EWCA Civ 1363; [2022] PTS 544 (JM1, paragraph 11 [CB/282]). In doing so, the Appellant ensured that the voices of young trans people and the experts who prescribe

² By way of comparison, there was no suggestion in *R (National Council of Civil Liberties) v Equality & Human Rights Commission* [2025] EWHC 1504 (Admin) that the claimant lacked standing, notwithstanding that it is a campaigning organisation with wide-ranging activities and objectives.

puberty blockers were heard. The Fund was used to finance the appeal (JM1, paragraph 11 [CB/282]).

27. In June 2021, the Appellant supported the charity Mermaids in launching their appeal of the Charity Commission's decision to grant the LGB Alliance charitable status in the UK (*Mermaids v Charity Commission* [2023] UKFTT 563 (GRC)) (JM1, paragraph 12, [CB/282]). The Appellant funded the costs of Mermaids' challenge using contributions from the Fund and money raised through a further crowdfunder, which raised £83,600 from 3,100 donors.
28. In October 2021, the Appellant was one of six claimants with standing who issued proceedings against NHS England in relation to waiting times faced by trans people trying to access specialised healthcare (*R (AA) v NHS Commissioning Board* [2023] EWHC 43 (Admin); [2023] PTSR 608) ("AA") (JM1, paragraph 13 [CB/282]). The Appellant dedicated over two years of time and resources to campaigning on the issue raised in the AA case, made a substantial contribution to the costs from its own resources, and raised over £49,600 from over 1,200 donors (JM1, paragraph 13 [CB/282]).
29. In June 2024, the Appellant supported a challenge to the Secretary of State for Health and Social Care's making of regulations introducing an immediate ban on trans young people obtaining puberty blockers in the UK prescribed by regulated prescribers throughout Europe (*R (TransActual CIC) v Secretary of State for Health and Social Care* [2024] EWHC 1936 (Admin)) (JM1, paragraph 14 [CB/282]). The Appellant raised over £60,800 from over 1,700 donors for this litigation.
30. In September 2024, the Appellant supported Professor Stephen Whittle and Dr Victoria McCloud in filing a joint application to intervene before the Supreme Court in *FWS* (JM1, paragraph 15 [CB/282]).
31. Following the Supreme Court's judgment in *FWS* in April 2025, the Appellant established two trans fighting funds to fight the rollback in rights experienced by the trans community as a result of the judgment. As Mr Maugham explains in his evidence, at the time of writing his first witness statement, these funds had raised over £600,000 with over 14,600 donors supporting the Appellant's challenge to the impact of the Supreme Court's decision (JM1,

paragraph 15 [CB/282]). The Appellant has “*put considerable resources into representing trans voices*” in the wake of the *FWS* judgment (JM1, paragraph 16 [CB/283]).

32. In June 2025, the EHRC’s landlord sought an injunction against persons unknown to prevent protests outside the offices of the EHRC by Trans Kids Deserve Better (JM1, paragraph 17 [CB/283]; JM2, paragraph 10 [CB/336]). The Appellant successfully intervened to resist the injunction application: see *Office Group Properties Ltd v Persons Unknown (Good Law Project intervening)* [2025] EWHC 1438 (KB) (“*Office Group Properties*”). In dismissing the application, Sheldon J permitted the Appellant to intervene, accepting that it had a sufficient interest in a trans rights protest because it had “*campaigned and litigated in the trans-rights space*” (see Note 1 of *Office Group Properties*).
33. The Appellant 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 the Appellant’s PAP letter, this advice was withdrawn (JM2, paragraph 8 [CB/335]).
34. Following this, the ECNI itself sent a PAP letter to a number of organisations which it considered to have an interest in this area, including the Appellant, expressing its intention to seek a declaration from the Court on the implications of the decision of the Supreme Court in *FWS*. The Appellant responded to this PAP letter, outlining its consideration of the legal issues, and has agreed a stay in the Appellant’s judicial review proceedings while such a declaration is sought (JM2, paragraph 9 [CB/335]).
35. In 2025, the Appellant brought a case against the law firm Morrison Foerster for dropping a trans client; this claim settled, with the firm agreeing to pay damages and costs (JM2, paragraph 10 [CB/336]).
36. In 2025, the Appellant supported a successful appeal brought on behalf of a trans man who had been denied a Gender Recognition Certificate 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 (*W v Gender Recognition Panel* [2025] EWHC 2685 (Fam)) (JM2, paragraph 11 [CB/336]).

37. In addition to the Appellant’s public campaigns and litigation, it has supported trans individuals and their families in other legal settings, including schools, inquests, and in respect of FOIA requests (JM1, paragraph 18 [CB/283]). Further, the Appellant supported a trans claimant with an application for anonymity on the basis that publishing their identity would put them at risk (JM1, paragraph 18 [CB/283]). As Mr Maugham explains in his evidence, the work in the *W v Gender Recognition Panel* case and the anonymity application were just two of over forty examples of trans rights work that the Appellant was pursuing post *FWS* at the time of his first witness statement (JM1, paragraph 18 [CB/283]).
38. Fairly assessed, it is submitted that this evidence demonstrates that the Appellant has a long-standing and sustained commitment to supporting trans rights, and has invested considerable time, money and effort in litigating trans rights and advising and supporting trans people. The Appellant has considerable expertise and experience in this area, and may fairly be regarded as in the vanguard of supporting trans rights. The Appellant thus plainly clears the threshold of showing that it has “*a reasonable concern*” in the matter to which the application relates, and therefore has a “*sufficient interest*” for the purposes of section 31(3) SCA 1981.
39. The Appellant’s position in this claim is more closely analogous to that of the Runnymede Trust in the *Runnymede* case (although it arguably has an even more clearly established interest). The Runnymede Trust was found to have standing in regard to the claim for breach of the public sector equality duty, as an organisation with a long-standing and sustained involvement in the cause of racial equality. The Appellant is an organisation with a long-standing and sustained involvement in the cause of the rights and equality of trans people. In no way can the Appellant fairly be described as a “*mere busybody*” in relation to the issues of trans rights which are raised by the present case.
40. On any view, in light of the Appellant’s long and involved track-record in this field, it cannot be suggested that it can “*point only to the most general of interest in the legality of the decisions challenged*” (as Swift J characterised the Appellant’s position in the *Runnymede* case in *R (Batmanghelidjh) v Charity Commission* [2024] EWHC 2637 (Admin) at [23]). On the contrary, the Appellant’s interest in the present case is specific,

substantial and amply demonstrated by its long history of active involvement in bringing and supporting cases in support of trans rights.

(4) The Appellant has standing alongside the individual claimants

41. Further, in the circumstances of the instant case, the fact the Appellant brought the application for judicial review alongside three individual claimants does not deprive the Appellant of standing.

42. As Lieven J concluded in ***R (Rights Community Action Ltd) v Secretary of State for Levelling Up, Housing and Communities*** [2024] EWHC 359 (Admin), the question of whether there may be a “*better placed claimant*” is not a freestanding test for standing:

“Further, I do not read the Divisional Court decision in *Good Law Project* as seeking to create a new test for standing, of whether there is a ‘ better placed claimant’. Such a test would be a radical tightening of the rules in standing, this being a long step from a requirement that a claimant is not a busybody.” [Emphasis added]

43. The question of whether there is a better placed claimant may be one consideration to be taken into account by the Court when deciding whether a claimant has standing. The existence of individually affected claimants, or the possibility that individually affected claimants could have brought the claim, does not, however, disqualify an NGO that otherwise has a “*sufficient interest*” in the matter to which the application relates from having standing: see Swift J in ***R (Batmanghelidjh) v Charity Commission*** (supra) at [23].

44. Insofar as the individual Claimants had an interest in the present proceedings, the Judge did not conduct a context-sensitive analysis of whether the existence of other appropriate claimants was relevant to, still less incompatible with, the Appellant having standing. Consideration of whether there is a “*better placed claimant*” may be relevant because it reveals the claimant who seeks to bring the claim to be a mere busybody, interfering in a case where persons directly affected have either elected not to bring a claim or have brought their own claim independently. That cannot possibly be said to be the case here.

45. Properly analysed in light of the circumstances of the instant case, the fact there are other individual Claimants in this claim does not deprive the Appellant of standing, for the following reasons:

45.1. For the reasons set out above, the Appellant plainly has “*sufficient interest*” in the matter to which the application relates by reason of its long-standing commitment and expertise in relation to trans rights – the “*reasonable concern*” limb of sufficient interest in *AXA* and *Walton*. An NGO with a sufficient interest, such as the Appellant in the instant case, can serve a useful role alongside individual claimants by providing a broader view of how the matter at issue affects the relevant community beyond the experiences of individuals. Census data indicates there to be over 100,000 trans people living in the UK: a large group with a diversity of experiences, needs and viewpoints. It includes those who are very private about their gender history, so that few people at all know that they are trans, as well as those who are “out” as trans and those who publicly campaign on issues relating to trans people. The presence of an NGO with a sufficient interest alongside individual claimants in this case ensured that the Court had the benefit of a more rounded picture of the issues raised.

45.2. By virtue of permission being determined at a “rolled up” hearing, the Court did, in fact, have the benefit of evidence adduced by the Appellant addressing the history of the issues and data it had collected from individuals informing the Appellant of their experiences. Realistically, the Appellant, as an NGO with expertise, a wide pool of contacts, and an understanding of the wider concerns of the trans community, was better placed to put this evidence before the Court than individual Claimants, who were better placed to speak to their individual experiences: see for example, the evidence in Mr Maugham’s second witness statement on the experiences of individuals who had contacted the Appellant to share their experiences of the continuing impact of the Guidance (JM2, paragraphs 17-19 [**CB/337-338**]).

45.3. The Court also had the benefit of witness evidence adduced by the Appellant from Professor Sally Hines, Professor of Sociology and Chair of Sociology at the University of Sheffield, in reply to evidence from the intervener, Sex Matters

(Judgment, paragraph 101). The Appellant, as an NGO with experience acting in the space of trans rights, was well-placed to put this evidence before the Court.

45.4. Moreover, the Appellant, by commencing proceedings as the First Claimant, was instrumental in ensuring that the present claim was heard at all.

45.5. In practice, it is doubtful whether the individual Claimants, with limited means and grave concerns about remaining anonymous, would have brought the claim without the comfort of being joined by an experienced NGO in doing so.

45.6. Further, the Appellant is trusted by, and has a relationship with, the affected community, who can raise the funds to support such a claim. Raising such funds is inevitably easier for a claimant which is a known and trusted campaigner than it would be for anonymous individuals of whom potential donors will know nothing.

45.7. If an NGO in the position of the Appellant would not have standing in the circumstances of the instant case, this would pose significant barriers to access to justice. The fact that individual Claimants have been willing to join, on an anonymised basis, a well-funded claim by an experienced campaigning organisation, does not entail that that organisation does not have standing. For the reasons set out above, it is doubtful whether the claim would have got off the ground without the Appellant also being a party. In any event, the Appellant plainly has a sufficient interest of its own to bring the claim.

V. Directions

46. The Appellant accordingly seeks permission to appeal against the refusal of permission to apply for judicial review pursuant to CPR 52.8. It requests an oral hearing of the application in view of the wider public interest issues raised on the correct approach to standing in judicial review. The three individual claimants who were granted permission have also sought to appeal the judgment of Swift J dismissing their claim on the merits.

Given the desirability of considering this application alongside the substantive appeal of the individual Claimants, the Appellant respectfully proposes that:

46.1. The Court defer consideration of this application until the Individual Claimants have filed their Appellant's Notice and/or supporting Skeleton Argument;

46.2. If the Individual Claimants are granted permission to appeal, the Court is invited to join the appeals and list the Appellant's application for permission to appeal to be heard at the same time as the Individual Claimants' substantive appeal.

VI. Conclusion

47. For these reasons, it is submitted that Swift J erred in finding that the Appellant lacked standing to bring the instant claim for judicial review claim. The Appellant respectfully invites the Court of Appeal to grant the Appellant permission to apply for judicial review.

DANIEL STILITZ KC

HANNAH SLARKS

CRASH WIGLEY

SAMUEL WILLIS

11KBW and Landmark Chambers

20 February 2026