

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

ADMINISTRATIVE COURT

Before the Hon. Mr Justice Swift

AC-2025-LON-001953



AC-2025-LON-001953

BETWEEN

**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

-and-

SEX MATTERS

Intervener

ORDER

UPON considering the documents filed by the parties pursuant to paragraph 8 of the Order made on 13 February 2026

IT IS ORDERED THAT

1. The application to for permission appeal, made by the Second, Third and Fourth Claimants, is refused.

BY THE COURT

2 March 2026

Reasons for allowing or refusing permission to appeal (including referral to the Court of Appeal (Civil Division))

The judge must complete this form on allowing or refusing an application for permission to appeal at a hearing or trial

Title of Case/Claim

(1) Good Law Project (2) BOT; (3) BNW; (4) BBS v Equality and Human Rights Commission.

(Claimants (2) – (4) anonymised)

Case/claim No

AC-2025-LON-1953

Tried before (insert name of Judge)

Date of hearing/trial

Swift J

Hearing, 11 – 12 November 2025.
Judgment, 13 February 2026

Nature of Hearing/trial

Application for permission to apply for judicial review, and application for judicial review (rolled-up hearing)

Result of Hearing/trial

C1: application for permission to apply for judicial review refused
C2 – C4: application for permission to apply for judicial review granted; application for judicial review refused.

C2 – C4 application for permission to appeal

Allowed (in part, refused in part)

Refused

Brief reasons for decision to allow or refuse appeal (to be completed by the Judge):

The Claimants rely on 5 proposed grounds of appeal. None of these grounds has any real prospect of success. I do not consider that any of the proposed grounds of appeal raises any other compelling reason for the appeal to be heard; whether, in this case, any such reason exists will be better considered by the Court of Appeal.

(1) The conclusion at §§57 – 62 of the judgment is inconsistent with the test stated at §§18 – 21 of the judgment. There is no inconsistency for the reasons given at §77 of the judgment. Further, I accept the submissions made by the Defendant at §§4 – 7 of its response to the application for permission to appeal.

(2) The conclusions at §§65 – 74 rest on an impermissible reading of the “Interim

Update” document published by the Defendant, that is not the “natural reading” of the contents of the update. The same point is made in respect of §§34 and 76 of the judgment. The points raised do not disclose any error of law. My interpretation of the meaning of the update document the Defendant had published was correct. I accept the points made by the Defendant at §8 of its submissions.

(3) The judgment mis-construes the meaning and effect of regulation 20 of the Workplace (Health, Safety and Welfare) Regulations 1992: see at §§34 – 40 and 43 – 46 of the judgment. This ground repeats submissions relied on at the hearing. For the reasons given in the judgment, I do not agree with those submissions. I do not consider they have any real prospect of success.

(4) The conclusion on the application of ECHR article 8 was wrong: judgment at §§96 – 100. I do not consider that any of the matters relied on undermines the reasoning in the judgment.

(5) The judgment mis-construes/mis-applies sections 8 and 9 of the Equality Act 2006: judgment at §§81 – 95. I do not consider that the points made in support of this ground of appeal raise any real prospect that the conclusions stated in the judgment are wrong. I accept the Defendant’s submission at §11 of its response to the application for permission to appeal.

Judge’s signature



If permission is given the judge must also complete the reverse of this form

Do you consider the appeal should be referred to the Court of Appeal (Civil Division)?

Yes

No

If Yes, please indicate which of the following criteria apply:

There appear to be conflicting authorities

There is a point of practice and procedure of significant importance

There is a point of general principle and importance in the development of the substantive law

A number of appeals on similar points suggests that a theme, or trend, is developing which the Court of Appeal needs to consider

Additional reasons (please set out below)

Note:

The appellant must file a copy of this completed form at the appeal court with the appellant's notice when issuing the appeal.

