

On behalf of: Claimant  
J. Maugham KC  
Statement No: First  
Exhibit: JM1  
Date: 23 June 2026

Claim No.

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

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

**THE KING**  
**(on the application of**  
**GOOD LAW PROJECT LIMITED)**

**Claimant**

**-and-**

**THE OFFICE OF COMMUNICATIONS**  
**TALKSPORT LIMITED**

**Defendant**

**Interested Party**

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**FIRST WITNESS STATEMENT OF**  
**JOLYON TOBY DENNIS MAUGHAM KC**

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I, **JOLYON TOBY DENNIS MAUGHAM KC**, of Good Law Project Limited, 3 East Point High Street, Seal, Sevenoaks, Kent, United Kingdom, TN15 0EG, **WILL SAY AS FOLLOWS:**

**INTRODUCTION**

1. I am a barrister and the Founder and Executive Director (and an employee) of Good Law Project Limited ("**GLP**"), a non-profit company limited by guarantee (company registration number: 10556197) and the Claimant in these proceedings. I am duly authorised to make this witness statement on its behalf in support of the claim for judicial review filed on 23 June 2026.
2. The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts

and matters derived from other sources are true to the best of my knowledge and belief.

3. There is now produced and shown to me a paginated bundle of true copy documents marked “JM1”. All references to documents in this statement are to Exhibit JM1 unless the reference is to a piece of legislation, case law, rules or guidance, which documents are enclosed in the permission bundle separately, or unless otherwise stated. In this statement all references to documents are to the page numbers of the Core and Supplementary bundles in form **CB/tab/page** and **SB/tab/page**.

### **OFCOM’S DECISION**

4. The claim concerns the decision of the Defendant (“**Ofcom**”) dated 23 March 2023 that the programmes broadcast by the Interested Party (“**Talk**”) as identified by GLP did not raise potentially substantive issues under Ofcom’s Broadcasting Code which warranted investigation. GLP challenges Ofcom’s Decision in respect of nine of those programmes (the “**Programmes**”).
5. The Programmes concerned the social, legal and medical challenges faced by people whose gender identity differs from their sex assigned at birth. I refer to those issues below as “trans issues” for shorthand.
6. By the Decision, Ofcom concluded that (amongst other things) the issues raised in the Programmes were not matters of “*major*” political controversy or “*major*” matters relating to current public policy for the purposes of Rules 5.11 and 5.12 of the Code [**CB/5/72**]. I understand that the Code defines such “*major*” matters as those of “*national, and often international, importance*” [**SB/71/703**]. Ofcom’s guidance adds that a major matter will be “*of a significant level of importance and is likely to be of the moment*” (at §1.61) [**SB/73/748**].
7. The purpose of this witness statement is to summarise the materials which show that trans issues play a very significant role in contemporary public and political discourse.

### **TRANS ISSUES IN THE POLITICAL DEBATE**

8. The recognition and protection of trans identity and related issues about the participation of trans individuals in various parts of social life have been a point of significant political debate in the UK for many years.
9. In 2018, the UK government ran a consultation on making legal gender recognition easier [**SB/2/10**]. Such reform was referred to in the 2019 general election manifestos of the Labour Party [**SB/3/24**], the Liberal Democrats [**SB/4/30**] and the Green Party [**SB/5/37**]. In 2020, the Conservative government declined to remove the need for medical evidence when making an application

for a gender recognition certificate, choosing only to reduce application fees **[SB/6/38]**.

10. In 2022, the Scottish National Party introduced the Gender Recognition Reform (Scotland) Bill to the Scottish Parliament **[SB/53/259]**. The bill sought to reduce the minimum age at which a person could apply for a Gender Recognition Certificate from 18 to 16, to remove the need for a medical diagnosis and to reduce the waiting time from two years to six months of living in an acquired gender. The bill passed in December 2022 but in January 2023, the UK government used an unprecedented Section 35 order under the Scotland Act 1998 to block the bill from coming into law **[SB/7/41]**. In December 2023, the Court of Session found that the UK government had acted lawfully **[SB/74/753]**.
11. The UK government's decision to block the bill received significant media attention. For example, that issue and the topic of trans offenders being in women's prisons were the leading topics of debate in an episode of Question Time on 2 February 2023.<sup>1</sup>
12. During this period, gender recognition and the rights of trans people became significant culture war issues. As a result, throughout 2021 to 2023 senior politicians were regularly asked in media interviews to define what it means to be a woman and "*Can a woman have a penis?*". Politicians who answered this question in interviews included then Prime Minister Rishi Sunak **[SB/12/59]**, then leader of the opposition Keir Starmer **[SB/11/55]** and leader of the Liberal Democrats, Ed Davey **[SB/13/63]**.
13. Trans issues then featured in the manifestos of every major political party during the July 2024 General Election. Each party set out a distinct position on gender and trans rights, reflecting the depth of political disagreement on the issue.
  - 13.1. The Labour Party manifesto set out its position on gender recognition, single sex spaces, and gender affirming care for young people **[SB/16/92]**.
  - 13.2. The Liberal Democrats **[SB/18/123]** and Green Party manifestos **[SB/19/128]** both set out their positions on gender recognition.
  - 13.3. The Conservative Party manifesto set out its position on gender recognition, name changes by sex offenders, single sex spaces, trans people in sport, treatment of trans children in schools, and gender affirming care for young people **[SB/17/97]**.
  - 13.4. The Reform UK manifesto set out its position on single sex spaces, treatment of trans children in schools and pronouns **[SB/20/129]**.

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<sup>1</sup> <https://www.youtube.com/watch?v=v61Ygtk0j74>

14. Such was the significance of the conversation around trans rights that, on 20 June 2024, in one of the four major televised general election debates between Keir Starmer and Rishi Sunak, the party leaders were both asked to explain their positions on single sex spaces.<sup>2</sup>
15. Research by the Centre for Research in Communication and Culture at Loughborough University found that sex, gender and sexuality was the most prominent ‘minority groups’ issue in media coverage between 30 May and 26 June 2024, the four weeks immediately prior to the week of the 2024 general election **[SB/21/134]**. Around 4% of all reporting during that pre-election period featured some discussion of sex, gender and sexuality **[SB/21/141]**.

### **SINGLE SEX SPACES**

16. The most prominent trans issue at the time of broadcast of the Programmes was the issue of whether services, public functions and associations can operate single sex spaces on the basis of ‘biological sex’.
17. On 16 April 2025, just eight weeks before the first of the programmes was broadcast, in the case of *For Women Scotland* (“**FWS**”) the Supreme Court held that for the purpose of the Equality Act 2010, the term ‘sex’ meant ‘biological sex’, with implications for the operation of the single sex exceptions under the Act **[SB/76/846]**.<sup>3</sup>
18. The judgment, its impact, and the reactions of the major political parties and their leaders were covered extensively by the media and among politicians.
19. By way of example, on 22 April 2025, the Minister for Women and Equalities, Bridget Philipson said that following *FWS* trans women should use toilets according to their biological sex **[SB/26/165]**.
20. On 23 April 2025, the judgment was discussed during Prime Minister’s Questions: Keir Starmer welcomed the “*clarity*” which he said the judgment brought, while Kemi Badenoch criticised Starmer’s previous positions on the issue **[SB/27/168]**.
21. On 25 April 2025, the Equality and Human Rights Commission (“**EHRC**”) issued interim guidance on the practical implications of the judgment **[SB/28/172]**.
22. Following *FWS*, the judgment was discussed, including with politicians, across many of the major media outlets. For example, on 27 April 2025, cabinet minister Pat McFadden discussed the issue of single sex spaces on Sunday with Laura Kuenssberg.<sup>4</sup>

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<sup>2</sup> <https://www.youtube.com/watch?v=PhefmGrdGwU> (at 54:30)

<sup>3</sup> *For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16

<sup>4</sup> <https://www.youtube.com/watch?v=LvPj7OclB1Y>

23. In April and May 2025, organisations announced changes to their policies to seek to reflect the change in the law. Policy changes by sporting bodies to exclude trans women, including by The Football Association **[SB/30/176]**, England Netball **[SB/31/177]**, and The England and Wales Cricket Board **[SB/32/180]**, were widely covered in the media.
24. Further, on 30 April 2025, Barclays said that the bank would prohibit trans women from using female bathrooms in its buildings following *FWS* **[SB/29/174]**.
25. The Scottish Government also established a working group in April 2025 “*driving and coordinating the work that is necessary as a consequence of the Supreme Court judgment by reviewing and updating relevant legislation, guidance and policies impacted by the judgment*” **[SB/24/159]**.
26. The Scottish Parliament building changed its policy on the use of single sex toilets by trans people in May 2025 **[SB/35/189]**.
27. On 20 May 2025, the EHRC launched a six-week consultation on updates to be made to its Code of Practice for services, public functions and associations, following the Supreme Court’s judgment in *FWS* **[SB/39/197]**. The consultation received 51,000 responses **[SB/39/197]**.
28. Over the following 12 months, the EHRC and the Government were frequently criticised by politicians, campaigners and the media **[SB/46/213]** and criticised each other **[SB/46/213]** **[SB/47/218]**, for their delay in producing updated guidance on how *FWS* should be interpreted in practice.
29. On 21 May 2026, following broadcast of the programmes, an updated Code of Practice was laid before Parliament. As of 22 June 2026, 148 MPs have signed a Commons motion calling for the Code of Practice to be blocked because of concerns about its impact on trans individuals **[SB/51/251]**. This is the largest number of signatories to any motion of this kind since 2021 **[SB/54/267]**.
30. The judgment in *FWS* was celebrated by ‘gender critical’ groups and was criticised by those supportive of trans rights. In particular:
  - 30.1. 128,000 people signed a UK Parliament petition calling to “*Allow transgender people to self-identify their legal gender*”. As the petition reached over 100,000 signatures, Parliament was required to consider the issue for debate in Parliament, which it did on 19 May 2025 **[SB/36/191]**.
  - 30.2. 107,000 women signed a letter asking the media and politicians to recognise that there are many women who are supportive of the trans+ community **[SB/55/270]**.

- 30.3. On 26 July 2025, 100,000 people attended London Trans+ Pride, making it the largest such event **[SB/40/199]**.
31. Since *FWS*, there have been at least 28 debates in Parliament on trans issues **[SB/57/276]**.
32. Single sex spaces were also the subject of judicial findings which received significant national attention across the media landscape. Two legal claims brought by Darlington nurses<sup>5</sup> **[SB/78/1253]** and Sandie Peggie<sup>6</sup> **[SB/77/940]** against the NHS concerning access by trans women to women's changing rooms received significant media coverage in advance of and during the trials and following judgment. GLP has undertaken searches to understand the number of articles which were published about these cases; we found that more than 25 articles were published by the BBC about the cases, while the Daily Mail published over 100 articles about the *Peggie* decision and 30 articles about the Darlington nurses' case.
33. Later in 2025, after the broadcast of the Programmes in issue, Girlguiding **[SB/44/209]** and the Women's Institute **[SB/45/211]** also announced changes in policy to exclude trans women.

#### **GENDER AFFIRMING CARE**

34. A further issue affecting trans people and which has received significant media and political attention is gender affirming care for adults and young trans people and access to puberty blockers.
35. In April 2024, Dr Hilary Cass produced an "*Independent review of gender identity services for children and young people*" which had been commissioned by NHS England.
36. In May 2024, following the Cass Review, the government introduced a temporary ban on the prescription of puberty blocker treatments to under 18s **[SB/22/147]**.
37. In December 2024, the government announced that it would make the ban on puberty blockers indefinite following a consultation and that a trial would be established in 2025 **[SB/22/147]**.
38. A UK Parliament petition which sought to "*Legally enshrine the right of adults to physically transition using NHS services*" reached 83,000 signatures between January and July 2025 **[SB/41/202]**.

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<sup>5</sup> *Bethany Hutchinson and others v County Durham and Darlington NHS Foundation Trust* (2501192/2024 & others) (14 January 2026)

<sup>6</sup> *Sandie Peggie v Fife Health Board and another* (4104864/2024) (8 December 2025)

39. In March 2025, it was announced that a contract for the puberty blockers trial of £10.7m had been awarded **[SB/23/154]**.
40. In November 2025, that trial was launched **[SB/43/207]** and then paused in February 2026 following opposition by general critical campaigners **[SB/48/220]**. A new plan for the trial was announced in June 2026 **[SB/52/257]**.
41. A further UK Parliament petition to *“Cancel the clinical trial into puberty blockers & safeguard vulnerable children”* launched in January 2026 currently has 149,000 signatures and was debated in Parliament on 23 March 2026 **[SB/56/273]**.
42. Each announcement was reported across the media landscape.

### **TRANSGENDER OFFENDERS**

43. Similarly, the issue of the treatment of trans people who are accused and/or convicted of criminal offences has received significant media and political attention.
44. In January 2023 the case of Isla Bryson, a convicted rapist who identified as a woman caused police policies on the treatment of trans people to be subjected to significant political and media scrutiny. Rishi Sunak **[SB/9/46]**, Keir Starmer **[SB/14/66]** and Nicola Sturgeon **[SB/10/50]** were repeatedly asked about whether Bryson should be jailed in a men’s or women’s prison. The Scottish Government took the decision to put a *“pause”* on transgender prisoners with a history of violence against women being placed in female jails in Scotland because of public pressure **[SB/8/44]**.
45. Following *FWS*, in April 2025 the British Transport Police issued interim guidance stating that intimate and strip searches should generally be conducted by officers of the same biological sex as the detainee **[SB/25/162]**. The National Police Chiefs' Council **[SB/33/184]** and Police Scotland **[SB/37/193]** followed in May and June 2025. These guidance changes were subjected to extensive media scrutiny **[SB/25/162]** **[SB/34/185]** **[SB/38/194]**.

### **TRANS ISSUES IN THE MEDIA**

46. More generally, research by Amnesty International UK published on 21 May 2026 showed that across four national newspapers, The Times, The Telegraph, The Guardian and The Sun, a total of 17,000 articles were published on trans issues between January 2020 and April 2025, an average of 264 articles per month, or 9 per day **[SB/50/228]**.
47. References to Rishi Sunak, Keir Starmer, and Nicola Sturgeon also regularly appeared in reporting, *“suggesting that ‘trans issues’ have been elevated to top political concerns for the press”* **[SB/50/236]**.

48. Amnesty also identified more than 50 organisations campaigning to restrict the rights of trans people, only three of which were in existence in 2017, highlighting the speed and scale of opposition to trans rights in that period **[SB/50/228]**.

**INTERNATIONAL COMMENTARY ON THE UK’S TREATMENT OF TRANS PEOPLE**

49. The UK’s treatment of trans people has also been subject to expressions of concern at the international level, including by international human rights bodies and experts.

50. This has included a country visit from the UN's Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (the “**UN Expert**”) in May 2023, whose concluding report raised serious concerns about the state of trans rights in the UK, including in public discourse **[SB/15/72]**.

51. More recently, concerns have been raised by the Council of Europe Commissioner for Human Rights in October 2025 **[SB/42/205]**, and, in a joint statement, by the UN Expert, the United Nations Working Group on discrimination against women and girls and the United Nations Working Group on business and human rights in February 2026 **[SB/49/223]**.

**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:  .....

**Jolyon Maugham KC**

Date: 23 June 2026