

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

Claim No.

B E T W E E N:

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

Claimant

-and-

THE OFFICE OF COMMUNICATIONS

Defendant

TALKSPORT LIMITED

Interested Party

STATEMENT OF FACTS AND GROUNDS

References to the core bundle are in the form [CB/tab/page], and to the supplementary bundle in the form [SB/tab/page].

*References to the witness statement of Jolyon Maugham KC dated 23 June 2026 are in the form **Maugham 1** §* etc.*

A. SUMMARY

1. This claim challenges the Office of Communication’s (“**Ofcom**”) interpretation and application of the Broadcasting Code (the “**Code**”) to programmes broadcast by the Interested Party (“**Talk**”) concerning trans issues.¹ The Claimant (“**GLP**”) complained to Ofcom about various talk show programmes in which hosts and guests expressed strong gender-critical views, and in some cases transphobic messages, to a wide audience. On 23 March 2026, Ofcom dismissed ten of the eleven complaints at a preliminary stage, determining that they did not raise potentially substantive issues warranting further

¹ As explained further below, “*transgender issues*” or “*trans issues*” refers to the social, legal and medical challenges faced by people whose gender identity differs from their sex assigned at birth.

investigation under the Code. Ofcom declined to investigate any of the ten programmes further.

2. Ofcom's decision in respect of nine of those programmes (the "**Decision**") is vitiated by serious errors of law and is challenged on the following grounds.

- 2.1. **Ground 1:** Ofcom erred in law, or acted irrationally, in concluding that 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. Transgender issues are of national and international importance: they have been the subject of Supreme Court litigation; direct governmental intervention; and sustained Parliamentary and public debate. Ofcom's attempt to disaggregate the issues faced by a single, marginalised group into a series of discrete sub-topics is unprincipled, inconsistent with its own prior practice, and would, if applied consistently, deprive Rules 5.11 and 5.12 of much of their practical effect.

- 2.2. **Ground 2:** Ofcom erred in law, or acted irrationally, in its interpretation and/or application of Rule 5.7 of the Code, which relevantly provides that "*[v]iews and facts must not be misrepresented*". Ofcom's position is that Rule 5.7 does not impose a freestanding prohibition on misrepresentation, and that inaccuracy does not engage the rule "*[p]rovided that due impartiality is preserved*". That interpretation is contrary to the plain and unqualified language of the rule. Because Ofcom misdirected itself, it failed to consider whether the programmes contained misrepresentations of fact (which they did).

- 2.3. **Ground 3:** Ofcom erred in law, or acted irrationally, in its interpretation and/or application of Rule 5.9 of the Code, which prohibits presenters from using the advantage of regular appearances to promote their views in a way that compromises due impartiality. Ofcom's analysis focused solely on whether alternative viewpoints were "*adequately represented*", without considering whether the presenter used her privileged position to frame those contrary views in derisive terms and to undermine them. Ofcom also made no attempt to assess the prominence of the presenter's views across her regular appearances on trans issues, which is the mischief the final sentence of Rule 5.9 addresses.

- 2.4. **Ground 4:** Ofcom erred in law, or acted irrationally, in its interpretation and/or application of Rule 2.3 of the Code, which relevantly provides that “[i]n applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context”. Rather than asking whether the offensive material was justified by context, Ofcom asked only whether it was mitigated by subsequent contributions from guests. They are different questions. Justification requires a prior contextual warrant for broadcasting the material; mitigation merely asks whether the impact was reduced after the event. Ofcom’s approach would reduce Rule 2.3 to a balancing exercise in which seriously discriminatory material – including characterisations of trans women as sexual predators and perverts – could be broadcast without sanction provided a guest later offered some countervailing comment. That is not what Rule 2.3 requires, and Ofcom was wrong to conclude otherwise.

B. FACTUAL BACKGROUND

B.1 The Parties

3. The Claimant, GLP, is a not-for-profit organisation. The Defendant, Ofcom, is the public regulator for communication services. The Interested Party, Talk, is a broadcaster and its channel was available on Freeview at the time that the programmes in issue were broadcast. As far as GLP is aware, Talk no longer operates a linear platform and its programming is now broadcast exclusively online. Ofcom has stated that its Broadcasting Code continues to apply to Talk [CB/6/200]. The broadcasting licence for Talk was transferred from News UK Broadcasting Limited to talkSPORT Limited on 13 February 2026 [CB/5/74].
4. Talk’s programming is primarily composed of talk shows hosted by regular hosts. These shows are comprised of the discussion of various current affairs stories in distinct segments, as indicated by headlines that appear at the bottom of the screen for viewers. Clips of segments are regularly posted only by Talk via its YouTube channel [SB/67/671].

B.2 The complaint

5. On 18 July 2025, the Claimant filed complaints with Ofcom relating to 11 programmes in which trans rights were discussed between 21 June 2025 and 9 July 2025 [CB/7/201]. Those

complaints were supported by 21,795 complaints from GLP's supporters, which GLP sent to Ofcom on 29 July 2025 [CB/8/205].

6. On 8 September 2025, in its Broadcast and On Demand Bulletin 529 Ofcom rejected the complaints as *"assessed, not pursued"*. Thereafter:
 - 6.1. On 11 September 2025, the Claimant sent a letter questioning Ofcom's decision not to pursue GLP's complaints and requesting reasons [CB/11/206].
 - 6.2. On 17 September 2025, Ofcom sent a letter briefly detailing why it did not consider these programmes to raise substantive issues warranting further investigation [CB/10/207].
 - 6.3. On 31 October 2025, the Claimant wrote to Ofcom with questions about its reasons for rejecting the complaints [CB/11/210].
 - 6.4. On 25 November 2025, Ofcom confirmed that it had *"decided, exceptionally, to withdraw the 11 decisions and to consider afresh whether your complaints raise potentially substantive issues under the Broadcasting Code which warrant investigation by Ofcom"* [CB/12/215]. Ofcom also undertook to publish its reasons.
 - 6.5. On 26 November 2025, GLP asked Ofcom to confirm that *"Ofcom's fresh consideration of the original complaint under Rule 5 of the Code will also include consideration of our additional complaint dated 31 October 2025 in relation to Alex Phillips' programmes, under Rule 2.1 of the Code"* [CB/13/216].
 - 6.6. On 28 November 2025, Ofcom confirmed *"We will consider the programmes under both Sections Two and Five of the Code"* [CB/14/217].
7. On 23 March 2026, Ofcom announced that it had launched an investigation into one of the programmes complained of (Ian Collins' talk show on 23 June 2025). However, the remaining ten programmes were *"assessed, not pursued"* [CB/15/214]. Ofcom published reasons for rejecting GLP's complaints about those ten programmes (the Decision) [CB/5/67].

B.3 The Supreme Court's decision in *For Women Scotland Ltd v Scottish Ministers* [2026] AC 316

8. Several of the programmes concern the Supreme Court's decision in *For Women Scotland Ltd v Scottish Ministers* [2026] AC 316 ("*FWS*") [SB/76/846].
9. *FWS* was concerned with the interpretation of the terms "*man*", "*woman*" and "*sex*" in the Equality Act 2010 ("*EA 2010*"). The Supreme Court held that:
 - 9.1. Section 9(1) of the Gender Recognition Act 2004 ("*GRA 2004*"), read with ss.9(2) and (3), had the effect that the gender of a person with a gender recognition certificate became the acquired gender "*for all purposes*" unless there was a specific exemption in the GRA 2004 itself or unless the terms and context of any other enactment, including a subsequent enactment, demonstrated that there was "*provision made*" by that enactment pursuant to s.9(3) that negated the effect of s.9(1): §156 [SB/76/906].
 - 9.2. Section 9(3) of the GRA 2004 applies where the terms, context and purpose of the relevant enactment shows that it does, because of a clear incompatibility or because its provisions are rendered incoherent or unworkable by the application of the rule in s.9(1): §156 [SB/76/906].
 - 9.3. An examination of the language, context and purpose of the EA 2010 demonstrated that the words "*sex*", "*woman*" and "*man*" in ss.11 and 212(1) of that Act meant biological sex, biological woman and biological man and did not include the sex that a person acquired pursuant to the issue of a gender recognition certificate under the GRA 2004: §264 [SB/76/936-937].
10. However, the Supreme Court was explicit as to the limited scope of its decision. At the outset of its judgment, it emphasised (at §2 [SB/76/870-871]):

"It is not the role of the court to adjudicate on the arguments in the public domain on the meaning of gender or sex, nor is it to define the meaning of the word "woman" other than when it is used in the provisions of the EA 2010. It has a more limited role which does not involve making policy. The principal question which the court addresses on this appeal is the meaning of the words which Parliament has used in the EA 2010 in legislating to protect women and members of the trans community against discrimination. Our task is to see if those words can bear a coherent and predictable meaning within the EA 2010 consistently with the Gender Recognition Act 2004 ("the GRA 2004")."

11. Thus, the Supreme Court’s decision does not establish any general principle that the words “man”, “woman” or “sex” must bear only a biological meaning in legal or public contexts. Nor does it determine that persons holding a gender recognition certificate may not properly be referred to or treated in accordance with their acquired gender in contexts outside the scope of the EA 2010.
12. Ofcom has also recognised its limited effect. By letter dated 16 June 2025, GB News wrote to Ofcom following FWS requesting confirmation of several “overarching principles” regarding Ofcom’s approach to applying the Code, including that:

“In light of the UKSC Judgment, it is now a settled matter that the terms ‘man’, ‘woman’ and ‘sex’ can only be understood to mean biological sex, biological woman and biological man and, as a consequence, it is also a settled matter that a ‘trans woman’ is not a biological female, and a ‘trans man’ is not a biological male.” [SB/63/659].

13. Ofcom correctly refused to provide any such confirmation. By letter dated 26 June 2025, it stated:

“As paragraph 2 of your letter notes, the Judgment was concerned to establish the correct interpretation of the Equality Act 2010 (“the EA 2010”) and, in particular, the meaning of the terms “sex”, “man”, “male”, “woman” and “female” when they are used in the EA 2010 to define the parameters of sex-based discrimination and sex-based harassment for the purposes of that statute. In this context, the Supreme Court examined the effect, if any, of the Gender Recognition Act 2004 (“the GRA 2004”) on the interpretation of those terms in the EA 2010. The central question on appeal was whether the EA 2010 treats a trans woman with a Gender Recognition Certificate as a woman for its statutory purposes, or when the EA 2010 speaks of a “woman” and “sex” it is referring to a biological woman and biological sex [paragraph 8]. The Supreme Court concluded that it was only by adopting the latter approach that the provisions of the EA 2010 could be interpreted and applied in a coherent and workable manner [paragraph 264].

Given the focus of the Supreme Court’s analysis, we do not follow the wider premise of the second part of your letter, which appears to proceed on the assumption that the Judgment should also be understood to have effectively “settled” wider debate about the appropriate meaning, usage and effect of such terms in all contexts outside the scope of the EA 2010, including in broadcast programmes in which issues relating to sex and gender-based rights are discussed generally. The Judgment does not purport to do so, with the Supreme Court emphasising at the outset that “it is not the role of the court to adjudicate on the arguments in the public domain on the meaning of gender or sex, nor is it to define the meaning of the word “woman” other than when it is used in the provisions of the EA 2010.” [paragraph 2].

Plainly the Judgment constitutes a significant development in the continuing public and political debate over the appropriate political and societal approach to sex and gender-based rights. It is likely to inform aspects of that debate’s current and future course. However, beyond

its articulation of the correct legal approach to sex-based discrimination for the purpose of the EA 2010, it does not appear to us that any useful “overarching principles” can properly be divined from the Judgment for the purposes of Ofcom’s assessment of broadcasters’ compliance with the Code, including for the purposes of programmes which potentially engage Section Two (Harm and Offence) and Section Five (Due Impartiality and Due Accuracy).” [SB/64/661].

B.4 The Programmes

14. Nine of the ten programmes (the “**Programmes**”) are summarised below and in each case the title refers to the onscreen title of the relevant segment of the talk show in issue. The full transcripts appear in Ofcom’s Decision [CB/5/153f]. The judicial review challenge does not pursue the complaint in relation to the tenth Programme (Kevin O’Sullivan, 2 July 2025).

Alex Phillips, 21 June 2025

15. This segment was titled “WITCH HUNTED – Fry says Rowling has been ‘Radicalised’ over Trans Rights Debate” and consisted of an interview with a Telegraph columnist, Ella Whelan, about Stephen Fry’s criticisms of the author JK Rowling’s gender critical views and wider topics about gender identity, including the use of puberty blockers and single-sex spaces.
16. Following a discussion on Stephen Fry’s criticism of JK Rowling’s comments, the following exchange took place [CB/5/154]:

*Alex Phillips – “What I don’t get Ella is, you know, how is it that somebody, and it’s not just Stephen Fry, there’s plenty of them out there. They might not share his particular academic acumen or intellectual prowess, but most of the people who jump on these woke bandwagons are usually relatively bright. They’ve got quite far in life; they have decent careers. Perhaps they’re even the Attorney general, like Lord Hermer. And yet they bang this woke drum when it must be apparent to them there must be some severe [inaudible] because **it must be apparent to them they’re allowing a man with a girt [i.e. large, big,] beard to put on a frock and go into the brownie tent. Or to allow some sort of auto gynephile with a fetish for, you know urine, to share toilets with women. To allow a hulking great Bert to pretend he’s a girl and beat someone up in the boxing ring.** I mean, it doesn’t require much education to be able to see that that is plainly wrong. So how is it that these people managed to park reality, managed to somehow spin the truth inside their own heads in order to shower themselves in faux morale rectitude when the rest of us are looking at them like they’re the emperor with the new clothes? I mean, I don’t get it. I don’t get how once upon a time all the left were queuing up to where all the men I’m a feminist T-shirt. And **as soon as it’s about some hulking great perverts going into children’s toilets, they’re like, oh, but that’s wonderful, it’s fine, got to be kind.** I don’t understand how they’ve managed to divorce themselves from reality so much.” (emphasis added)*

Ella Whelan – “Well, you know, you have to be fair, the vast majority of trans people are not hulking great perverts. There’s lots of people who are just trans and actually lots of, it has to be said, lots of trans individuals aren’t on the activist bandwagon. They don’t want to. They’re just getting on with their lives, being who they are. I think that’s really important to note because that’s why there’s this sort of, I think the discussion doesn’t tend to happen around those extremes of autogynephiles or the lists that you gave, but more around this, you know, there’s this kind of cuddly idea that everybody should just be allowed to be who they want to be. And I sign up to that, by the way. I think that there is, you know, we we should have flexibility when it comes to people’s identity. But the difference is trans activists and their supporters like Fry want us to maintain the idea that people don’t, can feel how they want to be, but that they actually are. So, it’s not about saying this trans woman wants to dress like this and whatever, but it’s saying this trans woman is actually a woman [...]”

Alex Phillips, 27 June 2025

17. This segment was titled “WOKE GETS WORSE – Trans Suspects Able to Get Women to Search Bottoms & Men the Top” and consisted of an interview of Susan Smith, a member of For Women Scotland, about guidance from Police Scotland on body searches of trans individuals.
18. While discussing the guidance, the following exchange took place [CB/5/158] (emphasis added):

Alex Phillips – “Well, hello there. I did a little thing that’s, you know, sort of like, funny TV channels like to do, which is pose a little brain teaser before the advert break to be resolved afterwards. And I sort of asked you what happens if you’ve had top surgery and not bottom surgery and all of a sudden the police need to search you for stuff. Well, that’s easy. A woman does the top half, and the man does the bottom half. I’m not even making this up. Apparently this is what Police Scotland say transgender subjects have a right to ask for. Let’s speak now to Susan Smith, director of Women for Scotland. They just don’t let it go, do they? It’s like you lost. **The Supreme Court said, ‘a woman’s a woman and a man’s a man’.** They have to keep going. Anything, any little concession, any mad little demand. It’s like a megalomaniacal sort of obsession for these people, isn’t it?”

Susan Smith – “Yes. And I’m sure they think they’re covering all bases. And I think they think it’s, you know, they’re respecting people’s identity. But the point is they are not respecting the female officers who are going to have to do those searches. And they may be put in a position where they feel if they’re junior for example, where they might feel a bit coerced into doing it. And they, they say they’re going to have to have written consent, but I don’t, I don’t think you can use written consent to override law that those female officers have rights. And one of their rights is that they do not have to search a biological male even if he has got a pair of silicon breasts”.

Alex Phillips – “I mean, my concern with all of this, and **it’s something I often say and it’s something that most people are way too squeamish to bring up, is the Venn**

diagram, the overlap of certain men who like to sort of dress up as women, and fetish, of actually getting a sexual kick out of all of this. And, like you said, if you know, all of a sudden a man's being searched and like, no, I want a woman to do it. I can just see it now sort of standing there with their silicon additions and with a big smirk on their face, watching a young female police officer really squirm at having to do that job".

Alex Phillips, 29 June 2025

19. This segment was titled "TRANS ROW – NHS Trains Midwives in Trans Breastfeeding Workshops" and consisted of an interview with political commentators, Chloe Dodds and Grace Gbadamosi, about NHS workshops on lactation and breastfeeding for, among others, trans women. The format of this segment was a discussion of current affairs topics with guests who hold opposing views.
20. The following exchange took place [CB/5/160-161] (emphasis added):

Alex Phillips – "Well, hello there and welcome back. We're still doing head-to-head with Chloe Dodds and Grace Gbadamosi. Now the NHS apparently has been training midwives in a trans workshop that is promoting male breastfeeding. The Queer Birth Club, **of course there's one**, with LGBTQ plus competency and lactation classes using the tagline "Birthing people ain't all women". I mean, Grace, like, why? How many people are there out there who are men who have taken special medicines to be able to lactate, **which I think is ghoulish and gross** and untested science and probably shouldn't be allowed. Use some formula, why don't you? **This is just weird**. But also, you know, women who have decided to become men who have had double mastectomies. I mean, what? Why all of this?"

Grace Gbadamosi – "It's just a little bit of bizarre to be honest. Like with what you said, this probably covers about 10 people in all of the UK I don't really understand why this much money or time is being spent on it. I think as well, actually, if we take it a little bit more serious, **it is a little bit dehumanising to actual women**. I would say sort of this idea of calling breastfeeding now, chest-feeding and sort of taking special hormones to lactate, I think do whatever you want in, in your own time, whatever. But it, it when you start to talk about women's bodies and how we should be referring to them, it makes me feel a little bit gross, not going to lie to you".

[...]

Chloe Dodds – "Yeah. And you said this is untested science and there is genuine serious concerns about potential deformities that are occurring in children. **When you've either had a man take this weird cocktail of hormones so that he can lactate about the quality of the milk. There are serious concerns about that. Or women who are breastfeeding out of their actual breast, but they've taken a bunch of testosterone because they're trans, there are serious concerns about this.** But this group, who are training the NHS, the Queer Birth Club as they call themselves, they have said that it is "trans misogyny" to raise any concerns about the quality of the milk that these people are producing".

Alex Phillips – “*Oh, come on!*”

[...]

Alex Phillips – “*Just imagine being so narcissistic, so self-involved, so selfish that **your first act of a parent is to fetishize breastfeeding** and demanding someone using experimental drugs so you can grow breasts and have a baby suckle them. **It is sick. It’s a perversion, quite frankly**”.*

[...]

Grace Gbadamosi – “*I think this is one of the few things that we sort of might agree on [...]*”

Ian Collins, 30 June 2026

21. In a segment titled “DIGITAL ID CONFUSION – Campaigners Worry Men Could Pretend To Be Women Unless Safeguards In Place” the host conducted an interview with the Director of Advocacy at Sex Matters, Helen Joyce, about the UK Data (Use and Access) Bill 2025 (now Act) where the interviewee claims that individuals will be able use a gender recognition certificates to obtain a digital ID and carry out online sexual abuse including child sexual abuse. The interview also covered Ofcom’s approach to sex and gender, Ofcom’s position on due impartiality and discussion of the impact of FWS. The following exchange took place [CB/5/163]:

Ian Collins – “*And this is extraordinary because of course, you know it. It sort of flies against the conclusion of the Supreme Court where you might have thought that this, call it a loophole, call it whatever, but you might have thought this would be addressed. And you know, the digital world is not an insignificant little side dish of life these days. It’s the future of identity, of who we are, etcetera. So, the idea - and you’re absolutely right, your passport, you can call yourself a woman and get an ‘F’ rather than an ‘M’ on your driving licence or, or passport, but this would circumnavigate all of that, which seems utterly bizarre*”.

Helen Joyce – “*I think the thing is it’s been happening for decades. It’s been possible to change on these paper documents, your sex for a long time, bureaucratically, and not many people have done that, but more and more have and they’re not even keeping track of it. We don’t know how many people have done this. We reckon there’s probably about 100,000 people who have changed their sex on at least one government form of ID, but that’s just an informed guess. Nobody is keeping track of it and those people could even change their sex - on different – on one piece of document and then not on another. Get two apps be you know man one day and woman another day. Get out. Go out in boy or girl mode depending on what they want. And the government just isn’t, you know, facing up to the fact that this problem happened before it came into power, but now it’s landed on them to fix it*”.

22. In a further segment, immediately following the discussion on the Bill, and titled and “OFCOM TRANS CHAOS – Broadcasted Must Air View that Trans Women are Women, Says Regulator”, the host said the following:

Ian Collins – “[...] It just seems to me that they [Ofcom] were uncomfortable with the High Court, the Supreme Court decision. So, in order to offset that and so they don’t get too many complaints, they’re now saying that if you’re having an interview with somebody who calls themselves a trans woman, you must sort of at some point acknowledge that at least they think they’re a woman. And therefore, we can all go home and go to sleep at night knowing we’ve ticked every box. That’s what appears to be going on here. Rather than acting, stating the truth”.

Julia Hartley-Brewer, 30 June 2025

23. The relevant segment was titled “OFCOM TRANS CHAOS: Broadcasters Must Air View that Trans Women are Women” and concerned an interview with the Director of Campaigns at Sex Matters, Fiona McAnena about Ofcom’s approach to sex and gender in the application of its Broadcasting Code and, more generally, the use of pronouns.
24. The host and guest had the following exchange on Ofcom’s interpretation of its Code [CB/5/165-167] (emphasis added):

Julia Hartley-Brewer – “[...] Ofcom has also decided to get into the news over other issues, including gender, because broadcasters have been told they must give airtime to claims that biological men are women, i.e. trans women are women, when covering trans issues. The media regulator warned GB News in the letter after they queried this, that it could not treat the controversy as settled despite the Supreme Court ruling back in April which made it very clear that for the for the purposes of the law, biological sex was what mattered, not what anyone thinks they are on a Monday morning or a Wednesday afternoon. But Ofcom has said that the judge’s ruling does not mean the matter is settled, despite the fact the regulator does believe that other issues are settled. [...]”.

[...]

Julia Hartley-Brewer – “I’ve always, I’ve always found it highly amusing that there are certain issues that are considered to be settled matters that you you [sic] can’t, you know, you can’t just broadcast one side because, you know, is there a settled matter like climate change. And I point this out to many people who never believe me when I tell them this, but apparently the issue of biological sex. So scientific fact is not settled, **even though it’s been settled by the Supreme Court as legal fact** and pretty much every six-year-old know it’s biological fact. According to Ofcom, the media regulator in this country not settled”.

Fiona McAnena – “I think this can only point to two things really. One is the fear or cowardice or lack of leadership of our regulators. And here’s yet another example. And the

other is the power and influence of the trans lobby that seems to have cowed all these people into pretending that they don't know that sex is real. And as you said, it's not even a matter of what the law says or what the Supreme Court says. Even they don't have the power to change sex. You know, even if they did say that a man could be a woman, it still wouldn't be reality because that's not how biology works. So, I'm afraid it, it shows us how far we still have to go to get people to remember that we all have rights. And it's not only people with trans identities who are entitled to be offended or hurt or indeed to hear what they want to hear. We all need to hear the truth!"

Julia Hartley-Brewer – "[...] There's no one at Ofcom, there's no one that's going to convince me that I have to have a second opinion on that from somebody who says, oh, no, actually here I am. I'm a bearded 6-foot bloke and I believe I'm a woman. And that's the end of the matter. Now I don't believe that's an opinion I now have to have on, in the same way that when I say that I don't believe in ghosts, I don't believe that I need to have someone on say, oh no, no ghosts are real. I think that's genuinely absurd. [...]"

[...]

Julia Hartley-Brewer – "[...] Look at it. Look, it's just the example of someone who's standing there who is white insisting they're black. Go, well, you're not, you're black. Or someone who is, you know, 5 foot tall insisting they're 6 foot 5. But you're not, you're 5 foot tall. So, am I supposed to have someone on who says no, no, no, they are 6 foot 5? Because that's the level of madness and double thing that we are being required to broadcast. **I won't do it. End of. I don't care if I'm Ofcom and I've made it very clear to bosses; I will pay the fine myself.** I'm pretty sure I'll be able to Crowdfund it might give JK a call if you've got her number. **But I, I just refuse. I refuse to to, to, to [sic] lie on air**".

25. At the end of the segment, a commentator named Sam Armstrong made the following comment [CB/5/168] (emphasis added):

Sam Armstrong – "Good morning, Julia. Yeah. And look, they're a representative of the lanyard class that run this country. **But at its root, trans feelings or gender dysphoria is a mental health condition** that some people very sadly [JHB: inaudible but appears to agree] do not feel that they are in the body that that that, that they are. And what we have done is rather than help those people, rather than support them, we have all had to try and lie and indulge ourselves in in a mutual mass delusion. And, and the tragedy of that is the tragedy of that is, is it was not kind actually to trans people who we have furthered in their thoughts that have allowed many of them to mutilate their own bodies, devastating consequences. It's not kind to the rest of us. And it is just a sign of how far our society has fallen from this basic sense".

Kevin O'Sullivan, 1 July 2025

26. The relevant segment, titled "DARLINGTON EIGHT – Nurses Waging War On NHS' Dangerous Trans Ideology", consisted of an interview with a nurse, Bethany Hutchison, who was engaged in litigation against the NHS concerning access to a female changing room by

a trans woman colleague. The host and guest discussed the decision in FWS as well as single-sex spaces [CB/5/169-170] (emphasis added):

Kevin O'Sullivan – “Now, as I just laid out there, you guys, I shouldn't say that, should I? Bad choice of phrase there. You nurses. You female nurses. **When the Supreme Court came down with its ruling on biological sex, took them five years to come to the decision that the definition of a woman was someone who was born a woman.** Why it took the greatest legal minds country five years to come to that conclusion, I don't know, but it was the right decision. Now you felt Bethany and your friends. You felt well, that's it, we've won now. But no, you're finding that the bosses in every day, every way, are railing against the biological sex ruling. You thought your war was won. It had only just started. Tell us what's going on”.

Bethany Hutchison – “Yeah, I mean, I would love to say that there's been a huge victory. And I think in the media it kind of was portrayed as a victory, but nothing much has changed. We did have a visit from somebody senior in NHS England who said, you know, this trust has to get this sorted. We we [sic] have to find alternative facilities for transgender people. And, and, and since then there's been no communication from any of the executive team or senior members of the hospital. Again, we've been completely ignored, which seems to be a running theme throughout this case, so we're no further forward with anything. We are continuing to use a temporary changing room which has now been in place for a year. So, seems more like a permanent changing room rather than temporary one”.

[...]

Kevin O'Sullivan – “So, so let's just recap on that. The females, you and your colleagues, you're in some sort of temporary place that they put you in at the height of the row over Rose. Rose is a bloke who wanted to invade your private safe female space. Your changing rooms. You wouldn't have it. You took the NHS to court on it. **Then you get the Supreme Court ruling, which surely should have come down in your favour at that point.** Your hospital, your NHS Trust should surely have said to you. OK ladies, you go back into the female safe space and Rose won't be in there anymore. Instead, Rose is still in the female safe space. Rose, I should stress, is a bloke is a bloke who wants to pretend that he's a female. You, Bethany, I can see you're a real female and I know your friends. I can say I know your friends are too. You're in the temporary one. [BH: Yes] Now is it just me or is that a rather warped and twisted situation?”

Bethany Hutchison – “Oh, absolutely. It's completely bonkers. I think there is a, there's an easy solution to all of this, but for some reason the trust and NHS trusts across the the [sic] nation are doubling down on providing access for men in female facilities. **And, and it, I can't really get my head around it when there's been a Supreme Court ruling”.**

Julia Hartley-Brewer, 7 July 2025

27. A segment titled “POLICE STATE? – Man Arrested for Wearing Placard Calling Trans a ‘Mental Disorder’” concerned an interview with a right-wing activist, Montgomery Toms, who was

arrested for attending Trans Pride with a sign equating transness with mental illness. The following exchange took place [CB/5/178] (emphasis added):

Montgomery Toms – *“So ultimately, I went to the Pride march, and I went there with a sandwich board, which stated...”*

Julia Hartley-Brewer – *“A big billboard, yeah”.*

Montgomery Toms – *“Yeah. And it stated, knows the trans flag, which is significant, equals mental illness. Now, once Upon a time, to be identifying as another gender was actually categorised as mental illness. That’s since been changed. But that was kind of World Health Organisation”.*

Julia Hartley-Brewer – *“It is still treated as a mental health problem. I mean that that’s why, you know, children who believe that they are born in the wrong body or are being sent to psychologists. It is body dysphoria. It is a form. So, for instance, someone who thinks that I should have a third leg or only be born with one leg. And there are people who think that they are diagnosed with a mental health illness, body dysphoria. And, and one could argue that someone who believes that while I should have been born, you know, I’m a man, but I should have been born with a woman’s body or a woman who thinks I should have been born with a man’s body doesn’t match my brain. It is, it is a form of body dysmorphia.”*

28. Later in the segment, the host made the following comment [CB/5/179] (emphasis added):

Julia Hartley-Brewer – *“Now you one thing you and I both share is that I believe that **trans is an ideology. I don’t believe it’s a real thing.** But someone is gay or not gay, you either are or you are not sexually attracted to people of the same sex or the opposite sex. Whereas someone who is believes that they are born in the wrong body. Well, I think it’s a simple matter of fact. They are not born in the wrong body. You know? Noone is born in the wrong body. Your body is your body. If you identify and want to live as if you are the opposite gender, you know, fill your boots, but you’re not the opposite gender.”*

Kevin O’Sullivan, 9 July 2025

29. The relevant segment was titled “OPINION = OFFENCE – Toms Held for Sign Criticising Trans Ideology at Demo” in which the host interviewed Montgomery Toms. The following exchange took place [CB/5/187] (emphasis added):

Kevin O’Sullivan – *“I’m good. Well, first of all, tell me why you why you think this? **Why you think that transgenderism, if you like, adds up equals mental illness?**”*

Montgomery Toms – *“Yeah, absolutely. I mean, this was clinically recognised until a couple years ago when everything started to change even by the World Health Organisation recognised kind of identifying in a different body or as a different gender, different sex even, you know, as being a mental illness. So, what I’m saying was once commonly accepted, but of*

course we've seen a massive shift, and we've seen just this cult like mentality take over the West, especially the UK with the words mental illness suddenly becoming scary. But look, if I said to you, I want to amputate my left leg because I feel like I should only have one leg, you'd look at me and say: "you're mentally ill" [Kevin O'Sullivan: mental illness]. So, I I honestly do feel it's the same thing. And we should have the freedom to be able to express that. The fact that I get arrested for making a statement like that is ludicrous. And it just continues to reinforce this two-tier system that we've got in this country."

Julia Hartley-Brewer, 9 July 2025

30. The relevant segment was titled "LABOUR LGBT – Party Split over the Inclusion of Trans People in Election of Women's Officer" concerned an interview with a trans woman, Debbie Hayton, who (according to the host's introduction) is "fully aware that he is a biological man". The host and guest discussed a trans woman, Steph Richards, who was standing for election as Women's Officer in an LGBT+ group connected to the Labour Party. It was also discussed whether trans women should be treated as and referred to as women and whether trans people should be grouped with gay, lesbian and bisexual people under the label LGBTQ+.
31. The following exchange took place [CB/5/193-194] (emphasis added):

Debbie Hayton – "And, and if this group wasn't trying deliberately just to alienate the entire public, they're they're, you know, they're doing a very good job anyway. It's just - it's dreadful. What does Steph Richards know about being a woman? What does Steph Richards know about being a woman's officer? It's, it's just crazy to do this and I just..."

Julia Hartley-Brewer – "I'm rather not in favour of there being a Woman's Officer. I don't even like having a Women's Minister in in Parliament. I think it implies that in some way that we are victims or a minority, we're more than half the population, but also that every other minister is dealing with the men folk. It's like women's hour Radio 4, Oh am I allowed a whole hour out of twenty-four when I get to listen to things about, I don't know, Somalian fig farmers or something? It usually is, but I mean it's never – **but never about trans issues, the biggest single issue [that] women have faced in the last few years.** But this is the thing, it's almost like, it's almost like these people are absolutely refusing to accept the reality. By definition, if you've had to get a piece of paper to say that you are a woman, you must accept then that you are a man. Otherwise, I don't need a piece of paper to say I'm a woman. I just am a woman. Claire is a woman. It's very, very obvious to us what we are. We knew all along, but but it's the fact the idea that this man Steph is saying, and again, a few years ago I would have said she and I've been trying to be polite. Now I won't, I'm done with it. I won't play along. That he has got this sort of inalienable right because he's got this piece of paper. And - but the, **the Supreme Court was very clear about this. It doesn't matter if you've got a piece of paper, you're not a woman.** And if it's a job or it's a role or if it's a service for women, if you're not a woman, you don't get to partake in it."

B.5 The Decision

32. The Decision contained a general exposition of Ofcom’s approach to the specific rules of its Code that were engaged by GLP’s complaints, as well as specific decisions in relation to each programme that was assessed as “*not pursued*”. Those individual decisions applied common reasoning across the Programmes. The following elements of the Decision form the subject of the proposed challenge.
33. Ofcom considered that “*the programmes [under consideration] were all dealing with a matter of political controversy and a matter relating to current public policy as opposed to a matter of “major” political controversy and a “major” matter relating to current public policy*” [C/5/72]. Ofcom consequently did not consider the compliance of the Programmes with Rules 5.11 and 5.12 of the Code.
34. As to Rule 5.7, Ofcom noted that “*accuracy is not a statutory requirement outside of news content*” and that “*broadcasters must ensure that they are articulating alternative viewpoints in a duly objective manner*” [CB/5/73].
35. As to Rule 5.9, Ofcom highlighted that “*broadcasters are free to include ‘issue-led’ presenters in their programming, as long as they maintain due impartiality as appropriate*” but that “*alternative viewpoints should be adequately represented*” [CB/5/73].
36. Finally, Ofcom explained in relation to Rule 2.3 that “*[w]here content carries the potential for offence and/or harm, however, the Licensee must ensure that it provides adequate protection to its audience, for example by providing sufficient context under Rule 2.3*” [CB/5/84].

B.6 Pre-action correspondence

37. On 28 May 2026, GLP wrote to Ofcom in accordance with the pre-action protocol (“**PAP**”) for judicial review claims (the “**PAP Letter**”) [CB/16/216]. GLP explained that it proposed to bring a claim to challenge the Decision on four grounds, and requested disclosure of all relevant documents, in particular the full responses provided by Talk during Ofcom’s assessment under the complaints procedure.
38. On 16 June 2026, Ofcom provided a PAP response letter (the “**PAP Response**”), denying that its Decision was unlawful and refusing to provide the requested correspondence on

the basis that it was not necessary for GLP to understand the issues in dispute [CB/17/241]. The PAP Response is dealt with in further detail below.

C. LEGAL FRAMEWORK

C.1 The Communications Act 2003 and Code

39. Ofcom's statutory functions were established by the Communications Act 2003 (the "**2003 Act**"), which governs, *inter alia*, "the regulation of broadcasting and of the provision of television and radio services" (headnote). Pursuant to s.319(1), Ofcom is required to establish standards "best calculated to secure the standards objectives" listed in (2) in the form of a code (s.319(3)) setting out "minimum standards applicable to all programmes included in television and radio services" (s.319(5)(a)) [SB/69/682-683].
40. Ofcom publishes and maintains the Code. Section Two of the Code addresses harm and offence and was published on 3 March 2021 and last updated on 19 February 2024 [SB/71/698-700]. Section Five addresses due impartiality and was published on 5 January 2021 and last updated on 17 March 2025 [SB/71/701-704].
41. The relevant rules of the Code are as follows:

Rule 2.3: "In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context (see meaning of "context" below). Such material may include, but is not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, and marriage and civil partnership), and treatment of people who appear to be put at risk of significant harm as a result of their taking part in a programme. Appropriate information should also be broadcast where it would assist in avoiding or minimising offence."

Rule 5.5: "Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service (listed above). This may be achieved within a programme or over a series of programmes taken as a whole."

Rule 5.7: "Views and facts must not be misrepresented. Views must also be presented with due weight over appropriate timeframes".

Rule 5.9: "Presenters and reporters [...], presenters of "personal view" or "authored" programmes or items, and chairs of discussion programmes may express their own views on matters of political or industrial controversy or matters relating to current public policy."

However, alternative viewpoints must be adequately represented either in the programme or in a series of programmes taken as a whole. Additionally, presenters must not use the advantage of regular appearances to promote their views in a way that compromises the requirement for due impartiality [...]".

Rule 5.11: *"In addition to the rules above, due impartiality must be preserved on matters of major political or industrial controversy and major matters relating to current public policy by the person providing a service (listed above) in each programme or in clearly linked and timely programmes." The Code clarifies that matters of major political or industrial controversy and major matters relating to current public policy "will vary according to events but are generally matters of political or industrial controversy or matters of current public policy which are of national, and often international, importance, or are of similar significance within a smaller broadcast area."*

Rule 5.12: *"In dealing with matters of major political or industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented."*

C.2 Proper approach to the interpretation of the Code

42. The Code is to be interpreted in line with the natural and ordinary meaning of the words used, viewed in their particular context and the light of common sense.
43. In *GB News v Ofcom* [2025] 1 WLR 3164 ("*GB News*") at §46 [SB/75/832], Collins Rice J took as the starting point the statement of principle set out by Lord Carnwath JSC in *Lambeth LBC v Secretary of State for HCLG* [2019] 1 WLR 4317 at §19:

"In summary, whatever the legal character of the document in question, the starting point – and usually the end point – is to find 'the natural and ordinary meaning' of the words there used, viewed in their particular context (statutory or otherwise) and in the light of common sense."

44. The Judge noted the importance of being "*wary of the risk of over-complication*" (at §46 [SB/75/832]). She further stated (at §52 [SB/75/833]):

"Interpreting any statutory code begins with the question of whether any ambiguity genuinely arises about any individual point. If it does, then the next question is whether any such ambiguity can be resolved by considering the code as a whole. If not, then the context must widen to consider whether the necessary light can be shed by the parent statute, and in particular the provisions relating to the code itself. That engages principles of statutory interpretation, which in turn may or may not involve wider historical or policy perspectives."

45. Thus, the interpretation of the Code is analogous to statutory interpretation. A question of interpretation is an objective question which belongs ultimately to the Court to decide. The Court applies the correctness standard, and substitutes its own view for that of the public authority: Fordham, *Judicial Review Handbook* (8th ed, 2025) §16.4. As noted by Lord Hoffmann in *Attorney-General of Belize v Belize Telecom Ltd* [2009] 1 WLR 1988 at §16:

“The court has no power to improve upon the instrument which it is called upon to construe, whether it be a contract, a statute or articles of association. It cannot introduce terms to make it fairer or more reasonable. It is concerned only to discover what the instrument means. However, that meaning is not necessarily or always what the authors or parties to the document would have intended. It is the meaning which the instrument would convey to a reasonable person having all the background knowledge which would reasonably be available to the audience to whom the instrument is addressed [...] It is this objective meaning which is conventionally called the intention of the parties, or the intention of Parliament, or the intention of whatever person or body was or is deemed to have been the author of the instrument.”

C.3 Ofcom’s Guidance

46. Ofcom publishes guidance in relation to the sections of its Code as well as its investigation procedures.
47. Ofcom’s guidance on Section Two (the “**Section Two Guidance**”) includes the following in respect of Rule 2.3: *“If there is an underrepresentation, the use of stereotypes and caricatures or the discussion of difficult or controversial issues involving that community may be seen as offensive in that it is viewed as creating a false impression of that minority.”* [SB/72/711].
48. Ofcom’s guidance on Section Five (the “**Section Five Guidance**”) includes the following in respect of Rule 5.9: programming where there are ‘issue-led’ presenters is permissible, and *“[i]n clearly signalled ‘personal view’ programmes, many in the audience are comfortable with adjusting their expectations of due impartiality”* (§1.53) [SB/73/745]. However, this does not obviate the requirement that *“alternative viewpoints should be adequately represented”* (§1.53) [SB/73/745]. In respect of such alternative viewpoints, they *“must not be included in a way that they are merely dismissed by the presenter and used as a further opportunity to put forward the presenter’s own views”* (§1.55) [SB/73/746]. For example, *“a presenter should not use alternative viewpoints, contrary to the presenter’s own, only in a dismissive way, and only as a means of punctuating the presenter’s own viewpoint”* (§1.55) [SB/73/746].

49. It also includes the following in respect of Rule 5.12: “...a matter of major political or industrial controversy or major matter relating to current public policy is of a significant level of importance and is likely to be of the moment” (§1.61) [SB/73/748].
50. Ofcom has also issued guidance in relation to complaints against broadcast programme services (the “**Complaints Guidance**”) [SB/70/688]. In relation to the assessment stage: “Ofcom will first consider whether, on its face, a complaint raises *potentially substantive issues* under the Broadcasting Code (or other Code to which these Procedures apply) which warrant investigation by Ofcom. It will do so by reference to the gravity and/or extent of the matter complained of, including, for example, whether it involves ongoing harm and/or harm to minors and/or financial harm.” (§1.22 [SB/70/693], emphasis added); “Based on an initial assessment of the complaint and a review of the relevant broadcast, Ofcom will consider *whether there may have been a breach of the particular provisions of the Broadcasting Code* (or other Code to which these Procedures apply) which Ofcom considers requires a response from the broadcaster. If not, Ofcom will decide not to investigate further [...]” (§1.24 [SB/70/693], emphasis added).

D. GROUND OF REVIEW

51. Ofcom has erred in law in its interpretations of the Code, or alternatively has acted irrationally in its application. The Decision is challenged on the following bases. GLP identifies below the Programmes to which each Ground applies.
- D.1 Ground 1 – Ofcom erred in law and/or acted irrationally in its interpretation and/or application of Rules 5.11 and 5.12**
52. Ofcom erred in its conclusion that that the issues raised in the Programmes were all dealing with a matter of political controversy and a matter relating to current public policy as opposed to a matter of “major” political controversy and a “major” matter relating to current public policy [CB/5/72]. Ofcom thereby failed to consider the Programmes under Rules 5.11 and 5.12. If Ofcom had correctly classified the matter as “major”, it would have been required to assess whether “an appropriately wide range of significant views” had been included and given due weight in each Programme or in clearly linked and timely

programmes (Rule 5.12). Ground 1 is brought in relation to each of the nine Programmes referred to above.²

53. The Code defines matters of “‘major’ political controversy” as those of “national, and often international, importance”. This is consistent with the ordinary meaning of the word “major” as a descriptor of “political controversy” or “current public policy”. This definition has been applied in various Ofcom decisions which have held matters of “major” political controversy or “major” matters of public policy to include:
- 53.1. Immigration and asylum policy in the UK: the Conservative Party Government’s policies to address illegal immigration; small boats crossing the English Channel; the administrative backlog in processing claims for political asylum; arrangements for housing asylum seekers while their claims are processed; the deportation of foreign criminals; the Labour Party Opposition’s approach to these issues; and Reform UK’s proposals to the same [SB/62/643];
 - 53.2. The Government’s approach to economic and fiscal policies in the context of the forthcoming Spring Budget, including the level of taxation in the UK and Conservative Government spending; the Conservative Government’s support for people in relation to the increase in energy bills amid the ongoing cost of living crisis; and the fallout from the Coronavirus pandemic [SB/61/583];
 - 53.3. The ongoing conflict in the Donbas region [SB/59/339]; and
 - 53.4. Protests in Hong Kong, initially in response to the Hong Kong Government’s Extradition Law Amendment Bill which made provision for criminal suspects in Hong Kong to be sent to mainland China for trial [SB/58/278].
54. The Programmes were concerned with the role, position and rights of trans people. They raised “major” matters of political controversy or current policy:

² Alex Phillips (21.06.25), Alex Phillips (27.06.25), Alex Phillips (29.06.25), Julia Hartley-Brewer (30.06.25), Ian Collins (30.06.25), Kevin O’Sullivan (01.07.25), Julia Hartley-Brewer (07.07.25), Kevin O’Sullivan (09.07.25), and Julia Hartley-Brewer (09.07.25).

- 54.1. Trans issues have been a point of significant political debate in the UK for many years, and has featured in the platforms and manifestos of every major political party, including the 2018 Government consultation on legal gender recognition, the Scottish Gender Recognition Reform Bill, and senior political regularly being asked in media interviews to comment on these issues. During the 2024 General Election, each party set out a distinct position on gender and trans rights, reflecting the depth of political disagreement on the issue. Such was the significance of this issue that, in one of the four major televised general election debates, both party leaders were asked to explain their positions on single sex spaces. 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 in the four weeks immediately prior to the election: Maugham 1 §15 [CB/3/61].
- 54.2. Trans issues have been the subject of widespread national and media news coverage. Coverage of trans issues extends across the full spectrum of national newspapers, broadcast media and online platforms, and has done so consistently over a period of years. 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: Maugham 1 §§46-48 [CB/3/64].
- 54.3. Trans issues have been the subject of political (including legislative) intervention on several occasions, including government action on gender recognition, the introduction and blocking of the Gender Recognition Reform (Scotland) Bill, and interventions concerning gender affirming care for young people, including the Cass Review and the ban on puberty blockers: Maugham 1 §§10-11, 25, 37, 44 [CB/3/60, 62-64].
- 54.4. Trans issues have also been the subject of recent judicial intervention, including at the highest level: Maugham 1 §17 [CB/3/61].

- 54.5. Since the Supreme Court's decision in *FWS*, trans issues have been considered in parliamentary debates on no fewer than 28 occasions. An updated Code of Practice by the Equality and Human Rights Commission ("**EHRC**") was laid before Parliament on 21 May 2026 and (as of 22 June 2026) 148 MPs have signed a Commons motion calling for it to be blocked – the largest number of signatories to any motion of this kind since 2021: Maugham 1§29 [**CB/3/62**].
- 54.6. Public bodies (including the Equality and Human Rights Commission) have issued specific guidance addressing the position and interests of trans persons: Maugham 1 §21, 45 [**CB/3/64**].
- 54.7. Trans issues have also been considered in specific areas, such as sport: Maugham 1 §23 [**CB/3/61-62**].
- 54.8. The UK's treatment of trans people has also been the subject of expressions of concern at the international level, including a country visit from the UN's Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity in May 2023, concerns raised by the Council of Europe Commissioner for Human Rights in October 2025 and by UN experts in a joint statement in February 2026: Maugham 1 §§49-51 [**CB/3/64-65**].
55. Consistently with this, Ofcom has acknowledged (in commenting on the Supreme Court's decision in *FWS*) that there is a "*continuing public and political debate over the appropriate political and societal approach to sex and gender-based rights*" [**SB/64/661**]. Talk's own view is that trans issues constitute significant issues of national importance. In its representations to Ofcom, summarised in the Decision, Talk explained that "[a]ll of the programmes being considered touch on an issue of current debate and **very significant public interest**" (emphasis added) [**CB/5/74**]. Further, its hosts in the Programmes explained that the policy in relation to trans individuals is "*the biggest single issue [that] women have faced in the last few years*" (Julia Hartley-Brewer, 09.07.25) [**CB/5/194**] and a "*serious political issue*" (Alex Phillips, 21.06.25) [**CB/5/153**].
56. Ofcom disputes the characterisation of the Programmes as "*major*". It states that "*trans issues*" is "*not a well-defined term*", and that none of the Programmes dealt with "*trans issues*"

but were instead concerned with “*specific issues that Ofcom identified and assessed to be matters of political controversy and/or current public policy*” rather than “*major*” matters (PAP Response, §35(i) [CB/17/247]). It erred in doing so.

57. **First**, “*trans issues*” – or the matters that this short-hand covers – is a well-understood term. It encompasses the social, legal and medical challenges faced by people whose gender identity differs from their sex assigned at birth. “*Trans issues*” refers to the lived experience of a single, marginalised group: trans people. Each of the Programmes was concerned with trans issues. That the Programmes were discussing the wider question of the role and position of trans people in society is apparent from the commentary of the hosts and guests and from the titles of the relevant segments.³
58. **Secondly**, Ofcom’s attempt to disaggregate “*trans issues*” into a series of discrete, sub-topics is unprincipled and inconsistent with its own prior practice. Any “*major*” matter of political controversy will necessarily encompass a range of specific sub-debates, with a singular, thematic tie. The approach Ofcom has adopted – atomising a major matter into its component parts – would, if applied consistently, deprive Rules 5.11 and 5.12 of much of their practical effect. It is also not the approach Ofcom has adopted in other cases. For example, in the GB News decision in Issue 484 of the Broadcast and On Demand Bulletin dated 23 October 2023 concerning a programme hosted by Martin Daubney on 16 June 2023 [SB/62/643], the overarching matter was immigration and asylum policy in the UK. The programme discussed a range of specific sub-topics: see §53.1 above. Ofcom did not treat each of those sub-topics as a separate, lesser matter. It correctly recognised them as constituent parts of a single “*major*” matter.

³ “WITCH HUNTED – Fry says Rowling has been ‘Radicalised’ over Trans Rights Debate”; “OFCOM TRANS CHAOS: Broadcasters Must Air View that Trans Women are Women”; “OFCOM TRANS CHAOS – Broadcasters Must Air View that Trans Women are Women, Says Regulator”; “DARLINGTON EIGHT – Nurses Waging War On NHS’ Dangerous Trans Ideology”; “TRANS SHOWDOWN – Council Staff ‘Lied About Cop Probe To Block Artist From Her Show’”; “POLICE STATE? – Man Arrested for Waving Placard Calling Trans a ‘Mental Disorder’”; “OPINION = OFFENCE – Toms Held for Sign Criticising Trans Ideology at Demo”; and “LABOUR LGBT – Party Split over the Inclusion of Trans People in Election of Women’s Officer”.

59. **Thirdly**, further and in any event, even if it were appropriate to disaggregate trans issues, the individual sub-topics identified by Ofcom are themselves “*major*” matters of political controversy and/or current public policy. For example:
- 59.1. Access to single-sex spaces – which was the subject-matter of Kevin O’Sullivan (01.07.25) [CB/5/116] – has been the subject of litigation before the Supreme Court (FWS); has prompted updated statutory guidance from the EHRC laid before Parliament; and remains a live and significant issue of Government policy Maugham 1 §§16-33 [CB/3/61-63].
 - 59.2. Access to gender-affirming care for children – which was the topic for discussion in Alex Phillips (21.06.25) [CB/5/155] and in Julia Hartley-Brewer, (07.07.25) [CB/5/185] – has prompted direct government intervention, an indefinite statutory ban, and the establishment of a clinical trial (Maugham 1 §§34-42 [CB/3/63-64]), as well as widespread national media reporting.
 - 59.3. The treatment of transgender offenders – which was the subject-matter of Alex Phillips (27.06.25) [CB/5/158] – has also been the subject of significant media and political attention, and interim guidance from the British Transport Police, National Police Chiefs’ Council and Police Scotland: Maugham 1 §§43-45 [CB/3/64].
60. Each of these sub-topics constitutes a “*major*” matter. They are of national importance, they engage questions of Government policy, and they have been the subject of significant legislative, judicial and regulatory activity.

D.2 Ground 2 – Ofcom erred in law and/or acted irrationally in its interpretation and/or application of Rule 5.7

- 61. Further or alternatively, Ofcom erred in concluding that certain of the Programmes did not raise potentially substantive issues under Rule 5.7 of the Code warranting further investigation. Ground 2 is advanced in relation to Alex Phillips (27.06.25), Julia Hartley-Brewer (30.06.25) Kevin O’Sullivan (01.07.25), and Julia Hartley-Brewer (09.07.25).
- 62. As noted above, Rule 5.7 requires that “[v]iews and facts must not be misrepresented”. Ofcom erred in the following respects.

63. **First**, Ofcom's position is that "*accuracy is not a statutory requirement outside of news content*" (Decision, p.24 [CB/5/73]), and that "*Rule 5.7 does not impose a self-standing obligation of accuracy simpliciter (in relation to facts or views); rather, it prohibits misrepresentation of facts or views insofar as such misrepresentation may undermine the preservation of due impartiality in relation to the matters dealt with*" (PAP Response, §46 [CB/17/249]). Ofcom disputes that Rule 5.7 is engaged when a matter of political controversy or current public policy contains an inaccurate statement of fact, or inaccurate representations of facts or views. To the contrary, Ofcom states (PAP Response, §48 [CB/17/249]):

"It is not the case that a potentially substantive issue arises under Rule 5.7 whenever a broadcast on a matter of political controversy or current public policy contains inaccurate statements of fact, or inaccurate representations of facts or views. Free expression in the context of debate on matters of controversy will often include statements or representations that may be overstated, imprecise, exaggerated, hyperbolic, incomplete, unreasonable, unfair, or contrary to established opinion. Provided that due impartiality is preserved, it is not Ofcom's role to restrict expression on that basis, and that is not the purpose of Rule 5.7. Rather, read together, the first and second sentence of Rule 5.7 are concerned specifically to safeguard due impartiality by requiring that audiences are not only exposed to a range of views on matters of political controversy or current public policy, but that the views in question (as well as facts relevant to the evaluation of due impartiality) are (i) not misrepresented, and (ii) presented with due weight over appropriate timeframes."

64. Ofcom's interpretation of Rule 5.7 is wrong in law:

- 64.1. The starting point is the language of the Rule. Rule 5.7 provides, in its first sentence, that "[v]iews and facts must not be misrepresented". Those words are clear and unqualified. A fact is misrepresented where it is presented in a false or misleading way. Where a programme dealing with a matter of political controversy or current public policy contains a materially inaccurate statement of fact, or a materially inaccurate representation of facts, Rule 5.7 is capable of being engaged.
- 64.2. This is confirmed by the structure of Rule 5.7. The first sentence prohibits the misrepresentation of "*views and facts*". The second sentence provides that "*views must also be presented with due weight over appropriate timeframes*" (emphasis added). The word "*also*" shows that the second sentence imposes an additional requirement concerning the due weighting of views. Ofcom's approach wrongly collapses the two sentences into a single composite obligation concerned exclusively with the presentation of alternative viewpoints. That construction is contrary to the ordinary

language and structure of the Rule and deprives the reference to “*facts*” of meaningful independent effect.

- 64.3. Nor is there any ambiguity which requires Rule 5.7 to be read down in the manner proposed by Ofcom. If the Rule were intended only to prevent a broadcaster from presenting opposing viewpoints in a distorted or unfairly weighted way, it could have said so. It does not. Ofcom’s construction impermissibly rewrites the Rule by treating the first sentence as no more than an aspect of the second.
- 64.4. Rule 5.1 does not tell against that construction. Rule 5.1 applies to “*news, in whatever form*” and requires news to be reported with “*due accuracy*” and presented with due impartiality. It is a broader and distinct due accuracy obligation applicable to news content. Rule 5.7 imposes a different obligation within the special impartiality regime: that views and facts must not be misrepresented. A factual error may not necessarily amount to a breach of Rule 5.7 merely because it is inaccurate. However, where the inaccuracy gives the audience a false or misleading account of a material fact relevant to a matter of political controversy or current public policy, it is capable of amounting to a misrepresentation of fact.
- 64.5. Ofcom’s interpretation would produce incoherent results. Applying that approach, a broadcaster dealing with a controversial matter of public policy could make a materially inaccurate factual assertion, or misstate the effect of a legal judgment, public guidance or other relevant source, without Rule 5.7 even being engaged, provided Ofcom considered that due impartiality had otherwise been preserved. That is not a natural reading of a rule for the reasons given above. It would also undermine the purpose of the special impartiality regime. Due impartiality is concerned with the audience’s ability to understand and evaluate matters of controversy. That objective is frustrated where the factual basis on which the controversy is presented is materially misstated.
65. **Secondly**, because Ofcom misdirected itself as to the proper interpretation of Rule 5.7, it failed to consider the relevant question: whether the Programmes contained misrepresentations of fact. GLP submits that they did for the reasons below. Ofcom’s response does not engage with that question. Instead, it states that the relevant statements

do not constitute misrepresentations such as would raise potentially substantive issues under Rule 5.7 warranting investigation “*in circumstances where Ofcom considered that the audience was exposed to more than one viewpoint, presented with due weight over appropriate timeframes*” (PAP Response, §51 [CB/17/250]).

66. **Thirdly**, in any event, the Programmes did contain inaccurate representations of fact:

66.1. As regards the Supreme Court’s decision in *FWS*, the following statements purported to state, as matters of fact, what the Supreme Court had decided:

66.1.1. Alex Phillips (27.06.25) – the host claimed that “[t]he Supreme Court said, ‘a woman’s a woman and a man’s a man’” [CB/5/158].

66.1.2. Julia Hartley-Brewer (30.06.25) – the host claimed that the fact that trans women are women “*is as a matter of fact, factually not true and is legally factually not true by the Supreme Court judgment*” [CB/5/167].

66.1.3. Kevin O’Sullivan (01.07.25) – the host claimed that “[w]hen the Supreme Court came down with its ruling on biological sex, took them five years to come to the decision that the definition of a woman was someone who was born a woman” [CB/5/169].

66.1.4. Julia Hartley-Brewer (09.07.25) – the host claimed that “*the Supreme Court was very clear about this. It doesn’t matter if you’ve got a piece of paper, you’re not a woman*” [CB/5/194].

66.2. These statements purport to describe (as a matter of fact) the legal effect of a Supreme Court judgment. They were false or, at the lowest, materially misleading. As explained at §§8-13 above, *FWS* concerned the meaning of the terms “sex”, “male”, and “female” in the EA 2010. It did not decide, as a general proposition of law or fact, that trans women are not women, that trans men are not men, or that transgender identity has no legal recognition. Nor did it decide that a gender recognition certificate is legally irrelevant for all purposes.

66.3. The same is true of the statements concerning transgender identity and gender dysphoria. In Julia Hartley-Brewer (30.06.25) a guest claimed that “*trans feelings or*

gender dysphoria is a mental health condition” [CB/5/168]. Similarly, in Julia Hartley-Brewer (07.07.25) the host claimed that trans identity “is still treated as a mental health problem” [CB/5/178]. These were expressed as statements of fact, not merely as subjective views.

- 66.4. They were materially inaccurate. According to the World Health Organisation (“WHO”), the medical term to describe a discrepancy between an individual’s experienced gender and their assigned gender is “*gender incongruence*”. The WHO’s International Classification of Diseases (ICD-11) does not classify “*gender incongruence*” as a mental disorder, stating:

“Gender incongruence has been moved out of the “Mental and behavioural disorders” chapter and into the new “Conditions related to sexual health” chapter. This reflects current knowledge that trans-related and gender diverse identities are not conditions of mental ill-health, and that classifying them as such can cause enormous stigma.” [SB/60/582].

67. **Fourthly**, in any event, even if Ofcom’s narrower interpretation of Rule 5.7 were correct, its conclusion is unsustainable. Ofcom has not identified any part of the relevant Programmes in which the audience was exposed to an alternative viewpoint on the factual propositions set out above.

D.3 Ground 3 – Ofcom erred in law and/or acted irrationally in its interpretation and/or application of Rule 5.9

68. Further or alternative, Ofcom erred in law, or acted irrationally, in its interpretation and/or application of Rule 5.9. The final sentence of Rule 5.9 provides that “*presenters must not use the advantage of regular appearances to promote their views in a way that compromises the requirement for due impartiality*”. Ground 3 is advanced in relation to Alex Phillips (29.06.25).
69. Rule 5.9 must be read in the context of the special impartiality regime as a whole, and in particular the general requirement in Rule 5.5 that due impartiality be preserved on matters of political or industrial controversy and matters relating to current public policy. Rule 5.9 recognises that presenters of “*personal view*” or “*authored*” programmes may express their own views on such matters. But it does so subject to two safeguards: first, alternative viewpoints must be adequately represented; secondly, presenters must not use the

advantage of regular appearances to promote their own views in a way that compromises due impartiality. The purpose of the second safeguard is to prevent abuse of the privileged position held by regular presenters of personal view programming.

70. Consistently with this, Ofcom's Section Five Guidance in relation to *"issue-led"* presenters, states that broadcasters are free to include such presenters in their programming, provided due impartiality is maintained. It further explains that, where alternative views are included, they must not be included in a way that they are merely dismissed by the presenter and used as a further opportunity to advance the presenter's own position. In particular, *"a presenter should not use alternative viewpoints, contrary to the presenter's own, only in a dismissive way, and only as a means of punctuating the presenter's own viewpoint"* (Section Five Guidance, §1.57 [SB/73/746]).
71. In Alex Phillips (29.06.25), the relevant segment concerned guidance and training relating to breastfeeding for trans women. The host said that *"[n]ow the NHS apparently has been training midwives in a trans workshop that is promoting male breastfeeding. The Queer Birth Club, of course there's one, with LGBTQ plus competency and lactation classes using the tagline 'Birthing people ain't all women' (emphasis added) [CB/5/160].* The host immediately described this as *"ghoulish and gross untested science" [CB/5/160].* Later, the host notes that *"the Queer Birth Club as they call themselves, they have said that it is 'trans misogyny' to raise any concerns about the quality of the milk that these people are producing"* before immediately making the interjection *"Oh, come on!" [CB/5/160].* Those statements were not framed neutrally. They framed the policy in pejorative terms, in order to discredit the contrary perspective before it was presented.
72. Ofcom analysis under Rule 5.9 failed properly to engage with that issue. Ofcom focused on whether alternative viewpoints were *"adequately represented"* [CB/5/73]. In relation to Alex Phillips (29.06.25) Ofcom concluded:

"Whilst Alex Phillips did promote her personal views strongly in the programme on the matter of political controversy and matter of current public policy concerned, Ofcom did not consider that she used her role within this programme to do so in a manner that prevented the audience from being adequately exposed to other relevant views or that undermined due impartiality." [CB/5/98].

73. Rule 5.9 requires an assessment of whether the presenter used the advantage of regular appearances to promote her own views in a way that compromised due impartiality. That required Ofcom to consider the nature and prominence of the host's own views; the manner in which she framed the issue; whether alternative viewpoints were presented neutrally or derisively; and whether those alternative viewpoints were used only to punctuate presenter's own position. This is particularly important where the host's presentation of viewpoints constituted the relevant due impartiality under Ofcom's assessment under Rule 5.5 (considered below). Ofcom failed to undertake any such analysis.
74. **First**, Ofcom failed to consider whether, notwithstanding the fact that other relevant views may have been referred to, the host's own view was given such prominence and authority, and the contrary view was treated in such a dismissive manner, that the requirement for due impartiality was compromised.
75. **Secondly**, Ofcom did not consider the relevance of the presenter's regular appearances. The final sentence of Rule 5.9 is concerned with the "*advantage of regular appearances*". However, Ofcom made no attempt to assess the prominence of Alex Phillips' views across the Programmes engaging trans issues.
76. The PAP Response does not cure those errors. Ofcom states that due impartiality does not require views to have "*the same degree of prominence*" (PAP Response, §55 [CB/17/250-251]). But that mischaracterises GLP's complaint. GLP does not contend that Rule 5.9 requires strict equality of prominence between all viewpoints. The complaint is that a regular presenter used her platform to promote her own views, while framing contrary views in derisive terms, in a way that compromised due impartiality. That is the risk addressed by the final sentence of Rule 5.9. To adopt Ofcom's approach would collapse the additional requirements which apply in the context of Rule 5.9 with the general requirement of due impartiality in the context of Rule 5.5.

D.4 Ground 4 – Ofcom erred in law and/or acted irrationally in its interpretation and/or application of Rule 2.3

77. Further or alternatively, Ofcom erred in law, or acted irrationally, in its interpretation and/or application of Rule 2.3. Rule 2.3 provides that "[i]n applying generally accepted

standards broadcasters must ensure that material which may cause offence is justified by the context". Ground 4 is advanced in relation to Alex Phillips (21.06.25), Alex Phillips (27.06.25) and Alex Phillips (29.06.25).

78. Rule 2.3 requires consideration of whether the inclusion of the material which may cause offence was justified by the context. That requires Ofcom to ask whether – having regard to the nature of the programme, the editorial purpose of the material, the likely audience expectations, the degree of harm or offence, and the way in which the material was presented – the broadcast of the offensive material was *warranted*.
79. The comments made by Alex Phillips during her Programmes were not merely robust, provocative or controversial contributions to a public debate. They were deeply harmful and offensive towards trans individuals – in particular in expounding a trope that trans women are perverts, fetishists and paedophiles – in a manner which was not justified (and could not be justified) by the context of those programmes.
80. In Alex Phillips (21.06.25), the host made statements that proponents of trans rights are *"allowing a man with a girt [i.e. large, big,] beard to put on a frock and go into the brownie tent"* and that this is a question of *"hulking great perverts going into children's toilets"* [CB/5/154]. These are deeply offensive statements, describing trans women – notably all trans women without qualification – as paedophiles, perverts and predators who weaponize gender identity to commit horrifying sexual abuse.
81. In Alex Phillips (27.06.25) the host referred to *the Venn diagram, the overlap of certain men who like to sort of dress up as women, and fetish, of actually getting a sexual kick out of all of this"*, and that *"I can just see it now sort of standing there with their silicon additions and with a big smirk on their face, watching a young female police officer really squirm at having to do that job"* [CB/5/158-159]. These comments again rely on extremely hurtful tropes about trans women who are portrayed as fetishists and sexual abusers.
82. Finally, in Alex Phillips (29.06.25), the host referred to the practice of trans women breastfeeding as *"ghoulish and gross"* and noted the following: *"Just imagine being so narcissistic, so self-involved, so selfish that your first act of a parent is to **fetishize** breastfeeding and*

demanding someone using experimental drugs so you can grow breasts and have a baby suckle them. It is sick. It's a perversion, quite frankly" [CB/5/161] (emphasis added).

83. In considering these comments, Ofcom found that these statements did not raise substantive issues under Rule 2.3 because of the comments by the host's guests. While Ofcom recorded their offensiveness, it decided that the comments were *mitigated* by the views expressed by guests. For example, in relation to Alex Phillips (21.06.25) Ofcom found that:

"We recognise that Alex Phillips made certain statements in the segments which could be interpreted as generalised claims about transgender people as a whole. However, Ella Whelan provided strong mitigation to the potentially highly offensive comments made, and served to contextualise the discussion [...]" [CB/5/85].

84. Ofcom erred in its interpretation and/or application of Rule 2.3 for the following reasons.
85. **First**, Ofcom failed to apply the correct test under Rule 2.3. Ofcom explained that all contextual factors referred to in its decision were "*relevant to th[e] assessment*" under Rule 2.3 (PAP Response, §67 [CB/17/253]). However, its interpretation of Rule 2.3 looks only to the term "*context*" and fails properly to construe "*justification*".
86. Rule 2.3 of the Code does not ask whether offensive material was later mitigated. It asks whether the material was justified by the context, which on its ordinary meaning requires a determination of the prior contextual factors of the programme in issue. Ofcom therefore had to identify what, if anything, about the editorial context of these programmes warranted the broadcast of statements associating trans women with perversion, fetishism, and risk to children. It did not do so. Instead, it treated the presence of some challenge or contextual comment from guests (after the offensive statements were made) as sufficient to neutralise the issue. That approach collapses justification into mitigation. The presence of a contrary view, challenge or qualification may be relevant to that assessment, but it does not necessarily justify the broadcast of seriously harmful or discriminatory material. Otherwise, Rule 2.3 would be reduced to a balancing exercise in which offensive material could be broadcast provided that another contributor later distanced themselves from it. That is not what the Rule requires.

87. This interpretation is supported by the scheme of the 2003 Act. The prevention of harmful and offensive material is a distinct statutory objective from the preservation of due impartiality. Section 319(2)(f) requires generally accepted standards to be applied so as to provide adequate protection for members of the public from harmful and offensive material, whereas s.319(2)(c), together with s.320, addresses due impartiality and the special impartiality requirements [SB/71/682-687]. Those are separate statutory objectives, reflected in separate sections of the Code.
88. **Secondly**, Ofcom failed properly to consider the discriminatory nature of the language used and the role of stereotypes. Rule 2.3 expressly identifies “*discriminatory treatment or language*”, including on grounds of gender reassignment, as material which may cause offence. Ofcom’s Section Two Guidance on Rule 2.3 explains that “*the use of stereotypes and caricatures or the discussion of difficult or controversial issues involving that community may be seen as offensive in that it is viewed as creating a false impression of that minority*” [CB/72/711]. In Alex Phillips’ Programmes, the host described trans women generally as sexual predators and perverts. This is a common trope of transphobic discourse which is frequently used to create a false impression of that minority. Ofcom failed to consider the wider impact of Alex Phillips’ statement when assessing compliance with Rule 2.3.
89. In its PAP Response, Ofcom failed to engage in any detailed analysis of this issue. It stated that “*[i]f there is an under-representation*” the use of stereotypes or caricatures “*may be seen as offensive*” (emphasis added): PAP Response §67 (second bullet) [CB/17/253]. Having acknowledged that the statements were potentially offensive, Ofcom was required to consider whether this gave rise to a potentially substantive issue under Rule 2.3 warranting investigation. It failed to do so. Instead, it concluded – without any reasoning – that no such issue arose.
90. **Thirdly**, Ofcom erred in its assessment of the right to freedom of expression under Article 10 ECHR. It stated that “*in line with freedom of expression, Ofcom recognises broadcasters’ editorial freedom to broadcast controversial viewpoints on matters of public debate [...] including views that some may find upsetting, provocative or offensive*” [CB/5/84]. However, the right to freedom of expression is not unqualified. Ofcom failed to consider whether the comments in the Programmes fell outside the protection of Article 10 by reason of Article 17 ECHR, or

alternatively, whether the right protected outweighed the rights of trans people under Article 8 ECHR [SB/68/674-681].

91. The ECtHR's case law recognises two categories of hate speech. The first comprises the gravest forms, which fall under Article 17 ECHR and are excluded entirely from Article 10 protection. Article 17 provides that "[n]othing in [the] Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein". In *Lenis v Greece* (No. 47833/20, 27 June 2023), the ECtHR held that statements referring to homosexuals as "*the scum of society*" and "*social felon[s]*", coupled with incitement to violence and dehumanising language, fell outside Article 10 protection by virtue of Article 17 (at §57). The comments in the Programmes – which associated trans women with sexual predation, perversion and danger to children – are of comparable gravity and are capable of falling within this first category such that Article 10 does not apply. Ofcom does not substantively engage with Article 17 ECHR in the Decision.
92. The second category comprises less grave forms of hate speech which, while not excluded from Article 10 entirely, the Contracting States are permitted to restrict. This category encompasses not only speech explicitly calling for violence, but also attacks on persons committed by insulting, holding up to ridicule or slandering specific groups of the population. In *Lilliendahl v Iceland* (No. 29297/18, 12 May 2020), the ECtHR upheld a conviction for comments that were "*serious, severely hurtful and prejudicial*" towards homosexual persons, finding that the domestic courts had adequately balanced the applicant's freedom of expression against the private life interests of the targeted group. The Court emphasised that discrimination based on sexual orientation is as serious as discrimination based on race, origin or colour, and that gender and sexual minorities require special protection from hateful and discriminatory speech (at §§39, 45). To the extent that the comments do not reach the Article 17 threshold, they fall within this second category. Ofcom was therefore required to consider whether any restriction on the broadcaster's freedom of expression was necessary in a democratic society to protect the competing rights of trans people, including their right to respect for private life under Article 8 ECHR. It failed properly to undertake any such balancing exercise in the Decision. To the contrary, the PAP Response refers to the statements as merely "*potentially offensive*"

and reiterates Ofcom's position that "[s]uch discourse is protected by Article 10, which, as is well established, applies not only to information and ideas that are favourably received, but also to those that offend, shock or disturb": PAP Response, §[CB/17/253]. The prejudicial and discriminatory nature of these comments to trans people clearly outweighs any legitimate public interest in public debate.

E. RELIEF SOUGHT

93. The Claimant seeks:

93.1. An order quashing the Decision;

93.2. An order requiring Ofcom to investigate the Programmes under the relevant provisions of the Code;

93.3. Such further or other relief as the Court may deem appropriate; and

93.4. Costs.

**JASON POBJOY KC
GAYATRI SARATHY
ABE CHAUHAN**

**Blackstone Chambers
23 June 2026**