



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: CA-2026-000401

[SEAL]



The King, on the application of

**GOOD LAW PROJECT
AND OTHERS**

–v– EQUALITY AND HUMAN RIGHTS COMMISSION

CA-2026-000401

ORDER made by the Rt. Hon. Lady Justice Andrews

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal against the refusal of the High Court to grant permission to apply for judicial review, for the case to be linked with the related appeal CA-2026-000633 and for a stay on the order for costs.

Decision

Permission to appeal is refused.

Reasons

1. Swift J refused the applicant ("GLP") permission to proceed with a claim for Judicial Review on grounds of lack of standing. In my judgment the appeal against that decision has no reasonable prospect of success and there is no other compelling reason for the matter to be heard.
2. The question whether GLP had a sufficient interest to bring this claim was a value judgment for the Judge, of a type with which an appellate court will rarely interfere. He applied the correct legal test and he did so in the light of all the circumstances of this case. There is no basis for any suggestion that he failed to have regard to any relevant evidence or applied some elevated threshold. The evaluation of whether GLP had a reasonable concern in this particular matter was fact-sensitive and the Judge decided, for good and sufficient reasons, that it did not, irrespective of its track record in other contexts of supporting trans issues.
3. The Judge was in the best possible position to evaluate the evidence and his decision was reasonably open to him on the facts. It is not "plainly wrong". He was entitled to conclude that a campaigning body such as GLP which was not directly affected by the Guidance did not have a sufficient interest to claim judicial review. It must be borne in mind that the Guidance was no longer operational. It is clear from the skeleton argument that the grounds amount to little more than a disagreement with the Judge's evaluation.
4. In reaching the conclusion that GLP lacked status, the Judge was entitled to have regard to the analysis in R (Good Law Project Ltd) v Prime Minister [2022] EWHC 209 and to find that it was equally applicable to the facts of this case. He was also entitled to take into consideration, as he did, the fact that there were three individual claimants who were directly affected, who were capable of bringing the challenge and who did so. He did not fall into the trap of finding that the existence of those claimants would disqualify GLP if it otherwise had standing. Their existence reinforced his conclusion. I reject any suggestion that the claim would not have been heard if GLP were not a party. The same is true of any appeal.
5. As the Respondent has pointed out, the evidence referred to in paras 45.5 and 45.7 of GLP's skeleton argument was not relied on in the judgment. In any event the question whether someone is acting officiously or has a reasonable concern in the matter does not turn on whether they are able to produce evidence that other parties have not relied upon. If they had relevant evidence it would have been open to them to supply it to the claimants without being joined as claimants themselves.
6. I would have refused permission to appeal as a matter of discretion in any event, bearing in mind the overriding objective. There is no good reason for this Court to hear a linked appeal on this issue, when the other claimants were granted permission to proceed with the claim for judicial review and their grounds were heard and dealt with on the merits. Those claimants have sought permission to appeal and that application has been adjourned to an oral hearing. A dispute about whether GLP should also have been granted permission to proceed with the same claim would only serve as a distraction from the evaluation of the substantive grounds of challenge to the Judge's order on the merits of the underlying claim.
7. Since I have refused permission to appeal there can be no question of any stay on the order insofar as it affects GLP.

Where permission has been granted, or the application adjourned, any directions to the parties (including, if appropriate, any abridgement of the 35-day time limit for filing evidence provided for in CPR 54.14)

Signed: Lady Justice Andrews

Date: 2 October 2026

Notes

- (1) Rule 52.6(1) provides that permission to appeal may be given only where –
 - a) the Court considers that the appeal would have a real prospect of success; or
 - b) there is some other compelling reason why the appeal should be heard.
- (2) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Rule 52.8 provides that the Court of Appeal may, instead of granting permission to appeal, grant permission to apply for judicial review. Where the Court grants permission to apply for judicial review, the substantive judicial review will proceed in the Administrative Court unless the Court of Appeal directs otherwise.

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