

Sex Matters to intervene in landmark For Women Scotland supreme court case on meaning of sex in the Equality Act

8th October 2024

The human-rights charity Sex Matters has been given permission to intervene in the case of [*For Women Scotland Ltd v The Scottish Ministers*](#) which is to be heard by the Supreme Court on 26th and 27th November 2024.

The case concerns the effect of the Gender Recognition Act 2004 on the definition of "woman" and "man" for the purposes of the Equality Act 2010.

The grassroots organisation For Women Scotland is challenging an earlier decision by the Scottish Court of Session which effectively removed the category of biological sex as a protected characteristic from the Equality Act 2010 and said that the "default" meaning includes acquired gender.

The case focuses on the lawfulness of statutory guidance issued by the Scottish Government under the Gender Representation on Public Boards (Scotland) Act 2018, which sets targets for increasing the proportion of women on public boards in Scotland. The guidance, which is required to be in line with the Equality Act 2010, states that "woman" includes a person whose "acquired gender is female" under the Gender Recognition Act.

Sex Matters, represented by Ben Cooper KC and David Welsh, has been given permission to make written and oral submissions in the public interest on the broader implications of the matters raised in this case for the coherence, effect and operation of equality law across England, Scotland and Wales and the rights and protections of different groups (including women, men and transgender people).

Sex Matters is a human-rights charity. Its object is to promote human rights where they relate to biological sex. Its mission is to promote clarity on sex in law and policy in order to protect everyone's human rights. As a charity, its objects have been recognised to be in the public interest.

CEO Maya Forstater said: "The implications of this case are much wider than the make-up of public boards in Scotland. It is increasingly clear that unless there is clear recognition in law that being male or female is a material reality, and that sex-based rights are protected, women's rights will continue to be whittled away and obscured by a cloud of uncertainty.

"We will be calling on the Supreme Court to focus on the protections for universal human rights that are at stake, and to recognise that while everyone has the right to express themselves, dress how they please and call themselves what they want, this does not override the right of women to privacy, dignity, fairness and autonomy. Protecting everyone's rights requires laws and words that reflect reality."

Chair of Sex Matters Naomi Cunningham said: "We are delighted to be intervening at the Supreme Court. Sex Matters is a new charity, only registered this year, but it has rapidly established itself as an effective and respected contributor to the debates about how to make the law work for everyone."