

The *For Women Scotland* case at the Supreme Court



Defined “women” to include males with a GRC



For Women Scotland

Argued that this wrongly interpreted Equality Act 2010



Five judges heard case in November 2024



Judgment expected in spring 2025

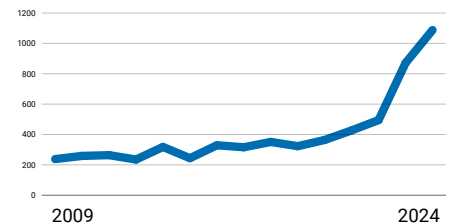
What is the case about? The definition of “woman” and “man” in the Equality Act: does it refer to someone’s actual sex, or whether they have a certificate?

Why does it matter? For the day-to-day operation of equality law, which affects many areas of life including public services, private businesses, employment, charities and education. Right now it is **difficult for services** from rape counselling and domestic-violence shelters to gyms and pubs **to have clear, simple sex-based policies** about female-only services and separate-sex facilities.

Is the case just about public boards in Scotland? No. This is where it started but the judgment is likely to cover the definition of sex across the Equality Act, and will apply across England, Scotland and Wales.

Who has a gender-recognition certificate (GRC)?

About 8,000 people, with numbers rapidly rising. **Getting one doesn’t require taking hormones or having surgery.**



Why did the Supreme Court talk about “pregnant men” and “male lesbians”?

That’s the kind of absurd result the law suggests if “sex” in the Equality Act means what it says on a piece of paper.

Can single-sex services still be provided? Polls show most people want them, and Labour’s manifesto promised to protect them, but the law is too confusing. Providers fear that offering them could mean being targeted with legal action. Some police forces think the law requires them to let male officers with GRCs strip-search women.

What are the possible outcomes? The Supreme Court might:

- 1 agree with FWS, Sex Matters and the lesbian intervenors that **sex has its ordinary meaning in the Equality Act**
- 2 agree with the Scottish Government and Amnesty International that **sex means having a certificate that says male or female**
- 3 agree with the Equality and Human Rights Commission that **the law is a mess and Parliament should amend it.**



Whatever the outcome, government will need to act to ensure that law, policy and guidance protect women’s rights.

sexmatters

Sex Matters is a charitable incorporated organisation number 1207701