

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

Claim No: AC-2025-LON-001953

The KING
on the application of
(1) GOOD LAW PROJECT LIMITED
(2) BOT
(3) BNW
(4) BBS

Claimants

AND

EQUALITY AND HUMAN RIGHTS COMMISSION

Defendant

(1) HEALTH AND SAFETY EXECUTIVE
(2) SECRETARY OF STATE FOR WORK AND PENSIONS
(3) MINISTER FOR WOMEN AND EQUALITIES
(4) WELSH MINISTERS
(5) SCOTTISH MINISTERS

Interested Parties

SEX MATTERS

Applicant / Intervener

APPLICATION FOR PERMISSION TO INTERVENE BY
SEX MATTERS

A. INTRODUCTION AND SUMMARY

1. Sex Matters (“SM”) makes this application to intervene in the above-captioned case. The application is accompanied by the evidence which SM seeks to put before the Court, and contains the written submissions which SM wishes to make on the application, if permitted. It is filed alongside the pleadings and evidence of the existing Interested Parties.
2. SM is a charity whose objects are to promote human rights based on biological sex, to advance education about biological sex and the law, and to promote the sound

administration of the law in relation to biological sex and equality between the sexes. It aims to promote clarity on biological sex in law and policy. See further Forstater §§6-15.

3. SM was granted permission to intervene in the Inner House of the Court of Session and in the Supreme Court (by written and oral submissions) in *For Women Scotland Ltd v Scottish Ministers* [2025] UKSC 16; [2025] 2 WLR 879 (“FWS”). The Supreme Court in *FWS* expressed particular gratitude to SM for its intervention in that appeal, stating that the intervention “gave focus and structure to the argument that “sex”, “man” and “woman” should be given a biological meaning” (at [35]). Before and since judgment in *FWS*, SM has been involved in a range of cases relating to the proper understanding of that judgment and its implications.
4. SM has also been permitted to intervene on issues within its expertise both in the Court of Appeal and in the European Court of Human Rights: see Forstater §11.
5. The criteria for intervention are addressed in §§26-29 below. SM is conscious both of the number of parties already before the Court, and the possibility that, in light of the content of the Defendant’s Detailed Grounds of Defence, the Court may not consider it necessary or appropriate to address all the matters on which the Claimants (“Cs”) seek the Court’s opinion. SM has cut its cloth accordingly, and does not seek to add its voice on all issues arising in the case.¹ It seeks permission to intervene to address only two issues, on which SM considers that it may be able to offer particular assistance to the Court:

(1) The proper construction of the Workplace (Health, Safety and Welfare) Regulations 1992 (the “**Workplace Regulations**”); and

(2) The detriments to women that are likely to arise from access by men who have the protected characteristic of gender reassignment (who may identify as “trans women” or similar) to female sanitary facilities.

6. The first of these matters is relevant to Cs’ Ground 1, and reflects the role SM played in the Supreme Court, and which the Court found helpful. SM does not repeat submissions

¹ For the avoidance of doubt, SM does not thereby accept the correctness of any of Cs’ other propositions.

made by the EHRC, and concentrates only on additional points which the Court may wish to consider.

7. The second of these is relevant (or at least potentially relevant) to these proceedings, given Cs' extensive reliance upon allegations of breach of Article 8/14 ECHR rights (Ground 1), and their contention that, as a result, various legislative measures should be found incompatible with those rights (Ground 3). As the Court will be aware, even if Cs could show that any legislation interfered with their ECHR rights, Cs would also be required to show that that interference was unjustified. SM provides evidence relevant to this issue which (it anticipates) the Court may not have available to it from the Defendant and Interested Parties; namely, the lived experience and concerns of those placed (or who may be placed) in the situation which Cs seek to bring about.

8. In that regard, SM seeks permission to adduce evidence from:
 - (1) Maya Forstater, CEO of Sex Matters, who addresses the role of Sex Matters, the recent history of guidance and policy in this area, and the wider evidence on the experience and concerns of women in these situations;

 - (2) Elaine Miller, a physiotherapist and campaigner on women's health, who gives evidence on aspects of the physiological and biological experience of women which give rise to particular needs for privacy and dignity in sanitary facilities, and the consequent need for single-sex facilities; and

 - (3) Michelle Dewberry and Michelle Shipworth, who each give short statements describing experiences in sanitary facilities/changing rooms and the consequences for them.

The construction of the Workplace Regulations (Ground 1)

9. SM respectfully agrees with, and adopts, the submissions of the EHRC at §§75-83 of its Detailed Grounds of Defence ("DGD") on the proper construction of the Workplace

Regulations. It does not seek to duplicate those submissions, but makes the further submissions set out below.

10. **First**, Cs' submissions deal indiscriminately with at least two and possibly three categories of individuals:

(1) Individuals with a gender recognition certificate ("GRC"), to whom s. 9 Gender Recognition Act 2004 ("GRA") applies. These individuals represent only a small minority of people who identify as transgender. They are likely to be covered by the protected characteristic of gender reassignment² for the purposes of the Equality Act 2010 ("EqA"). In *FWS*, the Supreme Court made clear that for the purposes of the EqA, these individual's sex remained their biological sex;

(2) Individuals without a GRC, to whom s. 9 GRA does not apply, but who have the protected characteristic of gender reassignment for the purposes of the EqA. It is clear that these individuals' sex in law remains their biological sex for all purposes (see *FWS* at [26]); and

(3) Potentially, other individuals who self-define as trans or non-binary, but do not satisfy the definition of gender reassignment in the Equality Act. Again, it is clear that these individuals' sex in law remains their biological sex.

11. Although aspects of their legal status may (as above) be different, there is one significant factual respect in which members of these groups are similar. There is no requirement that members of these groups have taken any measures to modify their physical anatomy or appearance, and certainly not that they have taken measures which render them physically indistinguishable from individuals of the other biological sex, or that render them physically distinguishable from non-trans identifying individuals of the same biological sex. As the Supreme Court observed at [202] of *FWS*:

"Since, as we have explained above, neither possession of a GRC nor the protected characteristic of gender reassignment require any physiological change or even any

² I.e. a person who "is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex": s. 7 EqA.

change in outward appearance, there is no obvious outward means of distinguishing between a person with the protected characteristic of gender reassignment who has a GRC and a person with that characteristic who does not. The only difference between these two groups is possession of a paper certificate and that fact (possessing a GRC) is confidential to the person who has it and subject to stringent restrictions on disclosure (see section 22 of the GRA 2004). The duty-bearer cannot ask whether it has been obtained. There is, accordingly, no way for duty-bearers to distinguish confidently between these two groups when regulating their conduct in accordance with obligations imposed by the EA 2010. Moreover, in either case, the individual's biological sex may continue to be readily perceivable and may form the basis of unlawful discrimination."

12. Put shortly, a woman with the protected characteristic of gender reassignment (i.e. a person who identifies as a 'trans man') may be physically distinguishable from a man, and need not be distinguishable from a woman without that protected characteristic (and *vice versa* as regards the position of a man with the protected characteristic of gender reassignment). *Per Stonewall's* guidance on 'transition'³:

"It's important to remember that being trans isn't about having a particular appearance or particular body parts. It's something that's absolutely core to a trans person's identity and is not dependent on their outward appearance.

Transition means different things for each person: there is no one single 'gender reassignment operation' and no end goal to transition, beyond what the individual wants."

13. Ms Forstater explains (§§24-33) that it is practically difficult for transgender individuals (particularly those whose biological sex is male) to disguise their sex, which as a result often remains readily perceptible by those around them.

14. **Second**, leaving aside the position of GRC-holders and s. 9 GRA, it is quite clear that the words 'men' and 'women' in the Workplace Regulations mean what they say: they refer to groups defined by biological sex. That is so for the reasons set out in DGD §§75(11)-79, which SM respectfully adopts; and for two further reasons:

- (1) Contrary to ASFG §§82-83, it is not the case that 'sex' for the purposes of European law must be read to incorporate an acquired gender. That submission is contrary to the *ratio* of *FWS*: the EqA is equally (in large part) derived from European law, but

³ See Forstater §32.

'sex' in the EqA is to be read as biological sex. Cs' reliance upon *Chief Constable of West Yorkshire Police v A* [2005] 1 AC 51 is misplaced: that case considered *P v S* [1996] ICR 795, which was exhaustively analysed in *FWS*. As the Supreme Court noted in *FWS*, under the Sex Discrimination Act 1975 (the legislation at issue in *Chief Constable*) "*there is no doubt that references to sex, man and woman ... were references to biological sex*" (at [162]).

- (2) Contrary to the impression given by the ASFG, provision for separate sanitary conveniences for men and women was not a novelty in English law in 1992. Although the Workplace Regulations secured compliance with the Workplace Directive, the textual ancestor of reg. 20 of the Workplace Regulations is not the (short) provision in the annexes to Directive 89/654/EEC,⁴ but s. 7 Factories Act 1961 ("FA"):

"7.— Sanitary Conveniences.

(1) Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting them and, where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same family dwelling there) the conveniences shall afford proper separate accommodation for persons of each sex."

- (3) That section of the Factories Act 1961 was repealed by the Workplace Regulations (Schedule 2), but reg. 20(3) of the Workplace Regulations provides:

"(3) It shall be sufficient compliance with the requirement in paragraph (1) to provide sufficient sanitary conveniences in a workplace which is not a new workplace, a modification, an extension or a conversion and which, immediately before this regulation came into force in respect of it, was subject to the provisions of the Factories Act 1961, if sanitary conveniences are provided in accordance with the provisions of Part II of Schedule 1."

- (4) Part II of Schedule 1 to the Workplace Regulations provides:

"In workplaces where females work, there shall be at least one suitable water closet for use by females only for every 25 females.

⁴ Annex I §18.3; Annex 2 §13.2: "*Provision must be made for separate lavatories or separate use of lavatories for men and women.*"

In workplaces where males work, there shall be at least one suitable water closet for use by males only for every 25 males.

In calculating the number of males or females who work in any workplace for the purposes of this Part of this Schedule, any number not itself divisible by 25 without fraction or remainder shall be treated as the next number higher than it which is so divisible.”

- (5) The use of ‘males’ and ‘females’ in the Schedule reflects the fact that the Schedule continues provision that was originally made under even older legislation, the Sanitary Accommodation Regulations 1938 (SR&O 1938/611) (the “**1938 Regulations**”). The 1938 Regulations⁵ were also repealed by Schedule 2 to the Workplace Regulations. They provided:

“In pursuance of Section 7 of the Factories Act, 1937, and of all other powers enabling me in that behalf I hereby make the following Regulations:—

1. These Regulations shall apply to all factories as defined in Section 151 of the said Act and to electrical stations to which subsection (I) of Section 103 of the Act applies.

2. In cases where females are employed there shall be at least one suitable sanitary convenience for every 25 females.

3. In cases where males are employed there shall be at least one suitable sanitary convenience (not being a convenience suitable merely as a urinal) for every 25 males:

Provided that in the case of factories where the number of males employed exceeds 100 and sufficient urinal accommodation is also provided, it shall be sufficient if there is one such convenience as aforesaid for every 25 males up to the first 100, and one for every 40 thereafter.

[etc.]

...

6. Every sanitary convenience (other than a convenience suitable merely as a urinal) shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings. Urinals shall be so placed or so screened as not to be visible from other parts of the factory where persons work or pass.

...

8. In cases where persons of both sexes are employed, the sanitary conveniences for each sex shall be so placed or so screened that the interior shall not be visible,

⁵ Copy enclosed. The 1938 Regulations were amended in immaterial respects by the Sanitary Accommodation (Amendment) Regulations 1974/426, but were otherwise unaltered until the passage of the Workplace Regulations.

even when the door of any convenience is open, from any place where persons of the other sex have to work or pass; and, if the conveniences for one sex adjoin those for the other sex, the approaches shall be separate. The conveniences for each sex shall be indicated by a suitable notice.”

15. The Workplace Regulations maintain the same basic approach to the provision of sanitary conveniences that had subsisted in this country since at least 1938. Against that background, the notion that the Workplace Regulations should be read such that ‘men’ and ‘women’ in reg. 20 of the Workplace Regulations refers to something other than a person’s sex is unarguable.
16. **Third**, and again on the ‘ordinary meaning’ construction of the Regulations: one aspect of Cs’ argument on the construction of the Workplace Regulations is that any construction of the Regulations other than theirs would fail to provide a ‘safety valve’ requiring consideration of the position of trans people (ASFG §85(e)). They suggest that Schedule 3 paragraph 28 EqA is a “safety valve”, which requires additional consideration of the interests of transgender people before providing a separate-sex service, but the Workplace Regulations do not contain any equivalent provision.
17. One answer to this is that it misdescribes the effect of the Workplace Regulations, as the EHRC notes (DGD §81(e)): the Regulations do not require employers to have only single-sex sanitary facilities. A further answer is that it misdescribes the effect of Schedule 3 paragraph 28 EqA, contrary to the Supreme Court’s judgment in *FWS*. In short:
 - (1) Cs submit that the effect of Sch 3 paragraph 28 EqA is to “*create a safety valve within the legislation, providing a safeguard for the rights of trans people*” which (by implication) might prevent a provider offering single-sex sanitary facilities.
 - (2) That is not correct. As the Supreme Court noted in *FWS* at [134], “[w]here gender reassignment is the protected characteristic, in the case of a male person proposing to or undergoing gender reassignment to the opposite sex, the correct comparator is likely to be a man without the protected characteristic of gender reassignment and similarly for a woman (although there may be situations where the comparator’s sex is immaterial to the comparison).” A rule that excludes men from a space in order to provide a female-only sanitary facility is lawful sex discrimination. In excluding all men, it applies

regardless of other protected characteristics such as age, race, sexual orientation or gender reassignment. This is not gender reassignment discrimination: any man would be so excluded.

(3) As the Supreme Court noted at [220], *“these provisions cannot on the face of it operate coherently if provision of services only to persons of one sex means provision of services to a group comprising women (biological females) and trans women with a GRC (biological males but legally female) but not to trans men with a GRC (biological females but legally male). The difficulty of establishing the conditions for a separate or women-only service on an approach tied to certificated sex makes it difficult to envisage any circumstances where the ability to exclude on gender reassignment grounds could operate”*.

(4) The relevance of Schedule 3 paragraph 28 EqA is that it justifies *“anything done in relation to”* provision of single and separate sex services which comprises a proportionate means of achieving a legitimate aim. Those words go beyond the existence of the sex-based rule itself. The Supreme Court at [221] of the judgment) highlights a particular application of paragraph 28 which is to permit the exclusion of transgender individuals from a single-sex service offered to their own sex, for example *“because the gender reassignment process has given [a woman] a masculine appearance or attributes to which reasonable objection might be taken in the context of the women-only service being provided. Their exclusion would amount to unlawful gender reassignment discrimination not sex discrimination absent this exception.”*

18. For completeness, it does not follow from any of this that trans individuals will necessarily have no alternative but to use sanitary facilities (or other single-sex facilities such as changing rooms or showers) shared with members of their own sex. Cs assert (ASFG §85(e)(ii)) that *“large numbers of employers”* will not be able to provide *“separate lockable rooms or additional unisex spaces”*, but does not cite any evidence to that effect. In reality, accessible unisex sanitary facilities (such as disabled toilets and family changing rooms) are widely available; as Ms Forstater notes, *“Accessible [toilet] facilities have been a requirement of the building code and Equality Act for many years. These facilities are also typically used by others with additional needs such as parents with young children, people with luggage and*

people who need greater privacy than communal spaces allow” (§72).⁶ A failure by a provider to have in place an accessible unisex sanitary facility might (depending on the circumstances) comprise discrimination against a variety of possible users, including trans individuals.

19. **Fourth**, as to individuals with a GRC, the Workplace Regulations are a paradigm of the kind of legislation to which s. 9(3) GRA applies: *per* the Supreme Court in *FWS* at [156], “*where the terms, context and purpose of the relevant enactment show that it does, because of a clear incompatibility or because its provisions are rendered incoherent or unworkable by the application of the rule in section 9(1).*”
20. That is so for all the reasons set out in DGD §§75(1)-(10), which SM does not repeat. SM would, however, draw particular attention to the Supreme Court’s treatment of sanitary facilities in its judgment (referred to at DGD §75(9)), and to the other points at which the Supreme Court emphasised considerations of privacy and dignity between the sexes cited by the EHRC in DGD §75.
21. It is clear both from the provisions of the Workplace Regulations itself (regs. 20, 21, 24), and from the legislative history (as set out above) that the Workplace Regulations’ references to separate provision for men and women are intended precisely to ensure the “*considerations of privacy and decency ... in the use of sanitary facilities*” to which the Supreme Court ascribed importance in discussing communal accommodation in [224] of *FWS*. As the Supreme Court noted in the same paragraph, an approach under which the legislation required ‘men and trans men with a GRC’ and ‘women and trans women with a GRC’ to be permitted use of single sex facilities, would fail to secure such considerations.
22. Given that identifying as transgender (including meeting the criteria for a GRC and/or having the protected characteristic of gender reassignment) does not necessarily preclude others being able to recognise (or be concerned about) a person’s sex, and given that male access to female sanitary facilities risks the detriments described in SM’s evidence, a construction of the Workplace Regulations that permitted individuals to access facilities

⁶ Notably, for example Approved Document Code M §5.7, under the Building Regulations, provides that where there is only one toilet in a building, it should be a wheelchair-accessible unisex toilet. (This is the building code applicable in England, there are similar requirements in the other nations).

intended for the opposite sex, on the basis that they identify as transgender, would equally fail to secure such considerations.⁷

23. For these reasons, it is respectfully submitted that 'men' and 'women' in reg. 20 of the Workplace Regulations mean what they say: persons of the male and female sex, respectively.

Justification of any ECHR interference (Grounds 1/3)

24. SM acknowledges that, as the EHRC submits, the Court may consider that issues of ECHR breach and legislative compatibility do not arise in this claim (DGD §§81 and 101). SM intervenes on this issue so that the Court may have a more rounded factual picture (and associated legal arguments) before it than might otherwise be the case, to the extent that the Court considers it necessary to address such allegations.⁸ SM does not make submissions on interference, on which (it anticipates) the Interested Parties will be able to assist the Court.
25. In their submissions on ECHR issues, Cs repeatedly assume that, if Article 8/14 ECHR rights are interfered with by provision of single-sex facilities, the ECHR is breached (see e.g. ASFG §§85 and 104-106). That is not correct. The true position is that:

(1) Any interference with qualified ECHR rights may be justified.

(2) As noted by the EHRC at DGD §81(c), and in contrast to questions of pure legal recognition of transgender individuals (accomplished by the GRA 2004), there is neither any Strasbourg authority, nor any European consensus, on the issues raised in this claim. In such circumstances, the state has a wide margin in dealing with complex moral, social and political issues of this sort, and with conflicts between

⁷ As the EHRC notes (DGD §81(e)), such circumstances would risk exposing duty bearers to claims of direct sex discrimination: *Earl Shilton Town Council v Miller* [2023] EAT 5 at [28].

⁸ Depending on the approach taken by the Court, questions of justification might also arise in other areas; e.g., in relation to questions of indirect gender reassignment discrimination, or in the maintenance of single sex spaces under Sch 3 §§26-28 EqA. The same factual points would also apply in relation to those issues.

rights (including the Article 8 ECHR rights of women, as discussed further below). It certainly cannot be concluded that the Strasbourg Court would require the enactment or modification of legislation to require such access: see the *Ullah* principle, as explained in *R (AB) v Secretary of State for Justice* [2022] AC 487 at [54]-[60] per Lord Reed PSC.

- (3) Even when dealing with infringements of ECHR rights, bright line rules may be appropriate, particularly where there are complex issues and a need for certainty, or where a number of cases would arise and there is a need for clear guidance: *R (ALR) and others v Chancellor of the Exchequer* [2025] EWHC 1467 (Admin) at [131]-[133] and cases cited.
- (4) There is a further ready justification in the considerations of privacy and decency between the sexes referred to above, and which underlie the exemptions in Sch 3 Equality Act 2020. As the Supreme Court noted in *FWS* at [211]:

“In enacting these exemptions, the intention must have been to allow for the exclusion of those with the protected characteristic of gender reassignment, regardless of the possession of a GRC, in order to maintain the provision of single or separate services for women and men as distinct groups in appropriate circumstances. These provisions are directed at maintaining the availability of separate or single spaces or services for women (or men) as a group – for example changing rooms, homeless hostels, segregated swimming areas (that might be essential for religious reasons or desirable for the protection of a woman's safety, or the autonomy or privacy and dignity of the two sexes) or medical or counselling services provided only to women (or men) – for example cervical cancer screening for women or prostate cancer screening for men, or counselling for women only as victims of rape or domestic violence.”

- (5) SM's witness evidence explains that allowing men access to toilet, changing rooms and showers which are labelled as being “for women” makes them mixed sex rather than single-sex and places women at risk of suffering detriment to privacy, dignity and/or safety, that would not be suffered if the facility was a single-sex space, and may lead to women self-excluding from the facility. Such concerns underlie the relevant legislation in the workplace context (as already noted), and also in the context of the exceptions to the Equality Act 2010 which allow for single-sex services (as noted by the Supreme Court). Such considerations are readily capable of

justifying any adverse impact on trans individuals. Relative to women, trans individuals form a very small proportion of the population indeed (see Forstater §§31, 73).

Application to intervene

26. SM accordingly applies to make the short written submissions above, and to adduce the evidence served herewith. SM also seeks permission for 30 minutes of oral submissions, to assist the Court with any matters arising from those submissions and that evidence. Though conscious of the number of other parties, SM submits that that time allocation should be practicable within the scope of a two-day judicial review hearing. Alternatively, if the time estimate precludes oral submissions, SM seeks to be added as an interested party for the purposes of written submissions and evidence only.

27. The Court will be familiar with the authorities cited in *R (British American Tobacco UK Ltd) v Secretary of State for Health* [2014] EWHC 3515 (Admin); [2015] 1 CMLR 35 at [16]-[17]. In brief:

(1) There is a well-established practice in the Administrative Court “to allow interventions by groups or bodies, or individuals who have particular knowledge and expertise in the area, whether in terms of the effect which the action at issue may have upon them and their interests, or by virtue of the work which they carry out or through close study of the law, practice and problems in an area, or because of the campaigning experience and knowledge which their activities have brought.”

(2) Such an intervention will be subject to the control of the Court, and “whether the third person is allowed by the court to intervene is usually dependent upon the court’s judgment as to whether the interests of justice will be promoted by allowing the intervention. Frequently the answer will depend upon whether the intervention will assist the court itself to perform the role upon which it is engaged. The court has always to balance the benefits which are to be derived from the intervention as against the inconvenience, delay and expense which an intervention by a third person can cause to the existing parties.”

28. As will be apparent from the above, SM has sought to comply with this guidance: to focus upon issues in the case on which it has expertise, and will (it is hoped) be able to assist the Court, and to present the intervention in a proportionate manner to avoid any undue effect upon the other parties. The avoidance of procedural harm to third parties is also at the root of the requirement of promptness in making this application.⁹ CPR PD54A §13.2 states that “*The Court is unlikely to accede to an application to intervene if it would have the consequence of delaying the hearing of the relevant proceedings.*” SM acknowledges that this claim has been publicly reported since at least 31 July 2025, and that this application is made only in October. However, the application has been made over a month before the substantive hearing (such that there is no risk of adjournment or delay); and alongside the statements of case and evidence of the Interested Parties, to avoid any prejudice to the other parties. The likelihood is that, had SM intervened at an earlier point, it would simply have been directed to file its submissions and evidence together with those of the Interested Parties. the promptness requirement is (as CPR PD54A §13.2 indicates) concerned in large part with the avoidance of prejudice to third parties, and SM submits that given its approach to this application (as above), no such prejudice should arise.
29. SM respectfully asks the Court to grant it permission to intervene and to make consequential orders and directions as set out in the draft Order enclosed.

RUPERT PAINES
11KBW

10 October 2025

rupert.paines@11kbw.com

⁹ CPR 54.17(2).

PART B.

Shipbuilding works.
 Gun factories.
 Engineering works.
 Electric generating or transforming stations.
 Frame dressing rooms of lace factories.
 Foundries other than foundries in which brass casting is carried on.
 Factories in which sugar is refined or manufactured.
 Coach and motor body works.
 Those parts of factories where unpainted or unvarnished wood is manufactured.

SECOND SCHEDULE.

It is hereby certified that the washable water paint made by $\frac{me}{us}$ and known as.....will when finished for use in accordance with the directions given $\frac{\text{(below)}}{\text{(on the label attached to each tin)}}$ comply with the definition of washable water paint in the Factories (Cleanliness of Walls and Ceilings) Order, 1938.

Name and Address of Firm.....

Date..... Signature.....

THE SANITARY ACCOMMODATION REGULATIONS, 1938, DATED JUNE 24, 1938, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 OF THE FACTORIES ACT, 1937 (1 EDW 8 & 1 GEO. 6. C. 67).

1938 No. 611

In pursuance of Section 7 of the Factories Act, 1937, and of all other powers enabling me in that behalf I hereby make the following Regulations:—

1. These Regulations shall apply to all factories as defined in Section 151 of the said Act and to electrical stations to which subsection (1) of Section 103 of the Act applies.

2. In cases where females are employed there shall be at least one suitable sanitary convenience for every 25 females.

3. In cases where males are employed there shall be at least one suitable sanitary convenience (not being a convenience suitable merely as a urinal) for every 25 males:

Provided that in the case of factories where the number of males employed exceeds 100 and sufficient urinal accommodation is also provided, it shall be sufficient if there is one such convenience as aforesaid for every 25 males up to the first 100, and one for every 40 thereafter.

Provided further that in the case of a factory where the number of males employed exceeds 500, not being a factory constructed, enlarged or converted for use as a factory after the 30th June, 1938, it shall be sufficient to provide one such convenience as aforesaid for every 60 males if sufficient urinal accommodation is also provided and if the Medical Officer of Health issues a certificate (which shall be kept attached to the general register so long as it remains in force) that in his opinion the arrangements at the factory are such that this proviso may properly be applied to the factory. Any such certificate shall be liable at any time to be revoked by the Medical Officer of Health by notice in writing.

4. In calculating the number of conveniences required by these Regulations, any odd number of persons less than 25, or 40, as the case may be, shall be reckoned as 25 or 40.

5. Every sanitary convenience shall be sufficiently ventilated, and shall not communicate with any workroom except through the open air or through an intervening ventilated space:

Provided that in the case of workrooms in use prior to 1st January, 1903, and mechanically ventilated in such manner that air cannot be drawn into the workroom through the sanitary convenience, an intervening ventilated space shall not be required.

6. Every sanitary convenience (other than a convenience suitable merely as a urinal) shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings. Urinals shall be so placed or so screened as not to be visible from other parts of the factory where persons work or pass.

7. The sanitary conveniences shall be so arranged as to be conveniently accessible to the persons employed at all times while they are at the factory.

8. In cases where persons of both sexes are employed, the sanitary conveniences for each sex shall be so placed or so screened that the interior shall not be visible, even when the door of any convenience is open, from any place where persons of the other sex have to work or pass; and, if the conveniences for one sex adjoin those for the other sex, the approaches shall be separate. The conveniences for each sex shall be indicated by a suitable notice.

9. These Regulations may be cited as the Sanitary Accommodation Regulations, 1938, and shall come into force on the 1st July, 1938, and shall be without prejudice to the requirements in subsection (1) of Section 7 of the Act that the conveniences shall be maintained and kept clean and that effective provision shall be made for lighting the conveniences.

10. As from the 1st July, 1938, the Sanitary Accommodation Order of 4th February, 1903^(a), is hereby revoked.

Samuel Hoare,
One of His Majesty's Principal
Secretaries of State.

Whitehall.

24th June, 1938.

2. Safety

(1) <i>Postponement of Requirements.</i>	(2) <i>Safety Regulations, &c.,</i> p. 1209.
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(1) Postponement of Requirements

THE FACTORIES ACT (POSTPONEMENT OF CERTAIN REQUIREMENTS) ORDER, 1938, DATED JUNE 30, 1938, MADE BY THE ACT, 1937 (1 EDW. 8 & 1 GEO. 6. C. 67), AS TO FENCING OF MACHINERY, &c.

1938 No. 642

In pursuance of the powers conferred upon me by subsection (2) of Section 160 of the Factories Act, 1937, and of all other powers enabling me in that behalf, I hereby make the following Order.

1. The date of coming into operation of the requirements contained in subsection (2) of section 13 of the said Act shall be postponed until the 1st January, 1940, as respects factories in which the main transmission machinery is driven wholly or partly by water power.

2. The date of coming into operation of the requirements contained in subsections (3) (4) (5) and (7) of section 22 of the Act shall be postponed until the 1st January, 1940, as respects hoists or lifts constructed or reconstructed before the passing of the Act in warehouses to which the provisions of section 22 are applied by subsection (3) of section 105 of the Act, subject to the condition that the hoist or lift shall be securely fenced so far as is reasonably practicable.

3. This Order may be cited as the Factories Act (Postponement of Certain Requirements) Order, 1938.

Samuel Hoare,
One of His Majesty's Principal
Secretaries of State.

Whitehall.

30th June, 1938.

(a) S.R. & O. Rev. 1904, IV, Factory and Workshop, p. 5 (1903 No. 89).