

Text	International treaties	Domestic legislation and policy	Case law	Further reading
We are proud to have made legal arguments in the case of <i>For Women Scotland v Scottish Ministers</i> in order to help make the law clear.				Sex Matters (2024). <a href="#">Submission to Supreme Court re For Women Scotland v Scottish Ministers from Sex Matters</a> .
The Supreme Court agreed with us that “sex”, “man” and “woman” in that law relate to biology, and in the judgment the judges thanked Sex Matters for our legal analysis.			<a href="#">For Women Scotland v The Scottish Ministers [2025] UKSC 16, paragraph 35</a> .	
The Supreme Court’s judgment has made the law clear. It hasn’t taken anyone’s rights away, but it has clarified what they are.			<a href="#">For Women Scotland v The Scottish Ministers [2025] UKSC 16</a> .	Ben Cooper (2025). <a href="#">For Women Scotland v The Scottish Ministers: why the Supreme Court’s judgment does not remove, diminish or breach the rights and protections of trans people</a> .
The law is clear: being a man or woman is a matter of biology – whether someone’s sex is female or male.			<a href="#">Bellinger v Bellinger [2003] UKHL 21, [2003] 2 AC 467</a> and <a href="#">For Women Scotland v The Scottish Ministers [2025] UKSC 16</a>	
Freedom to think and express yourself using these ordinary words is a human right.	<a href="#">Universal Declaration of Human Rights</a> , Article 10	<a href="#">Human Rights Act 1988 Section 1</a>		European Court of Human Rights (2022). <a href="#">Guide to Article 10</a>

<p>The word “gender” is confusing.</p>				<p>Murray Blackburn Mackenzie (2023). <a href="#">‘Clarity matters: how placating lobbyists obscures public understanding of sex and gender’</a>.</p> <p>Karleen D Gribble (2025). <a href="#">‘Proposal for Terminology for Clear Communication and Avoidance of Confusion in Relation to Sex, the Social Expectations of the Sexes and Gender Identity’</a>. <i>Archives of Sexual Behavior</i> (2025).</p>
<p>People who have these disorders of sex development (DSDs) are still male or female: they are not a third sex or “in between” male and female.</p>				<p>Can-SG (accessed November 2025). <a href="#">‘What are Differences/Disorders of Sex Development (or intersex conditions)?’</a></p> <p>DSD Families (accessed November 2025). <a href="#">‘FAQ’</a>.</p>
<p>“The distinction between male and female exists throughout the animal world. It corresponds to the different roles played in the reproductive process. A male produces sperm which fertilises the female’s eggs.”</p>		<p><a href="#">Bellinger v Bellinger [2003] UKHL 21, [2003] 2 AC 467</a></p>		
<p>When a baby is born, their parents and medical professionals can see what sex they are. This information is put on their medical record.</p>		<p>England, Wales and Northern Ireland: NHS England (2025). <a href="#">‘Birth notification process’</a>.</p>		

		Scotland: National Records of Scotland (2024). ' <a href="#">NHS Central Register (NHSCR) Privacy Notice</a> '.		
The parents register the birth, including the child's sex, and a certified copy of the record is made for the parents to take home (the "birth certificate").		England and Wales: <a href="#">The Registration of Births, Deaths and Marriages Regulations 1968</a> .  Scotland: <a href="#">Registration of Births, Deaths and Marriages (Scotland) Act 1965</a> .  Northern Ireland: <a href="#">Births and Deaths Registration (Northern Ireland) Order 1976</a> .		
People who are male can ask to be recorded as "female" on their passport or driving licence, or even in their medical records; people who are female can ask to be recorded as "male".		Passport: UK Government (accessed November 2025). ' <a href="#">Change your name or personal details on your passport: Gender change</a> '; HM Passport Office (2014). <a href="#">Gender marking in passports internal review of existing arrangements and possible future options</a> .  Driving licence: Driver and Vehicle Licensing Agency (accessed November 2025).		See also Sex Matters (2025). <a href="#">Digital ID can't be self-ID</a> .

		<p><a href="#">‘Change the name or gender on your driving licence’</a>.</p> <p>Medical records: NHS Primary Care Support England (accessed November 2025). <a href="#">‘Gender reassignment’</a>.</p>		
It is not known how many people have done this. It could be 100,000.		<p>Census of England and Wales: Office for National Statistics (2021). <a href="#">Gender identity, England and Wales: Census 2021</a>.</p> <p>Census of Scotland: Scotland’s Census (2024). <a href="#">Scotland’s Census 2022 – Sexual orientation and trans status or history</a>.</p>		
Around 9,000 people in the UK have done this under the Gender Recognition Act 2004.		Ministry of Justice (2025). <a href="#">Tribunal Statistics Quarterly: January to March 2025</a> .		Sex Matters (2024). <a href="#">Applying for a gender-recognition certificate: the facts</a>
The Equality Act applies across England, Scotland and Wales.		UK Government (2010). <a href="#">Equality Act 2010</a> .		
In Northern Ireland there is a similar law on sex discrimination.		<a href="#">Sex Discrimination (Northern Ireland) Order 1976</a> .		
For the past 15 years many organisations have misunderstood				Sex Matters (2025). <a href="#">‘The Equality Act: 15 years old</a>

<p>the words “man”, “male”, “woman” and “female” in the Equality Act and other laws.</p>				<p><a href="#">today!</a>.</p>
<p>In April 2025, the Supreme Court confirmed that these words and the groups of people they describe take their ordinary, commonsense, biological meaning.</p>			<p><a href="#">For Women Scotland v The Scottish Ministers [2025] UKSC 16.</a></p>	
<p>Schools are required by law to register each pupil's sex and to pass this information to the child's next school.</p>		<p>England:  <a href="#">The Education (Pupil Registration) (England) Regulations 2006</a> and <a href="#">The Education (Pupil Information) (England) Regulations 2005</a>.</p> <p>Scotland: <a href="#">The Pupils' Educational Records (Scotland) Regulations 2003</a> – does not specify sex must be recorded, but information recorded must be accurate.</p> <p>Wales: <a href="#">The Education (Pupil Registration) (Wales) Regulations 2010</a></p> <p>Northern Ireland:  <a href="#">The Registration and Attendance of Pupils</a></p>		

		<a href="#">Regulations (Northern Ireland) 1974.</a>		
All children deserve to learn in an environment that is calm, safe and supportive, where they are treated with dignity and safeguarded from danger.		<p>England: Department for Education (2022). <a href="#">Behaviour in schools – advice for headteachers and school staff</a></p> <p>Scotland: Education Scotland (2025). <a href="#">‘Relationships and behaviour: National policy guidance’</a></p> <p>Wales: Welsh Government (accessed November 2025). <a href="#">‘School behaviour and discipline’</a></p> <p>Northern Ireland: Department of Education (accessed November 2025). <a href="#">Behaviour at school.</a></p>		<p>Genette Crispin (2025). <a href="#">‘Wales’ schools still hung out to dry on trans guidance’</a>, <i>Merched Cymru</i></p> <p>For Women Scotland (2025). <a href="#">‘FWS v Scottish Ministers III’</a>.</p>
It is lawful to provide a single-sex service where it is a “proportionate means to a legitimate aim”		<a href="#">Equality Act 2010, Schedule 3 paragraph 26.</a>		

<p>The Supreme Court made clear there is no entitlement for anyone to use single-sex services intended for members of the opposite sex based on their gender identity.</p>		<p><a href="#">For Women Scotland v The Scottish Ministers [2025] UKSC 16, paragraph 211</a></p>		
<p>It is lawful to provide services separately to men and women where they are a “proportionate means to a legitimate aim”.</p>		<p><a href="#">Equality Act 2010, Schedule 3 paragraph 27</a></p>		
<p>Workplaces are required to provide sufficient and adequate facilities for women and men.</p>		<p><a href="#">Health and Safety at Work etc. Act 1974</a></p> <p>Health and Safety Executive <a href="#">‘Have the right toilets and washing facilities’</a>.</p> <p>Health and Safety Executive code of practice <a href="#">Welfare at work: guidance for employers on welfare provisions</a>.</p>		
<p>Schools</p>		<p>England: <a href="#">The School Premises (England) Regulations 2012</a> and <a href="#">The Education (Independent School Standards) Regulations 2014</a>, as amended.</p> <p>Scotland: <a href="#">School Premises (General Requirements and</a></p>	<p>Scotland: Rosie Walker (2025). <a href="#">‘Single-sex toilet order for schools’</a>. <i>Gilson Gray</i></p>	

		<p><a href="#">Standards) (Scotland) Regulations 1967</a> and Paragraph 23 of the Schedule to <a href="#">The Education (Independent School Standards) Regulations 2014</a></p> <p>Wales: <a href="#">Regulation 3 of the Education (School Premises) Regulations 1999 SI 1999/2</a> (applying to Wales only); <a href="#">School toilets: Good practice guidance for schools in Wales</a>.</p> <p>Northern Ireland: Northern Ireland Department of Education (2023). <a href="#">Section 4 part 23 of Guidance on design of cloakroom and toilet accommodation</a>.</p>		
Venues		<p><a href="#">Licensing Act 2003</a> and <a href="#">Section 20 of the Local Government (Miscellaneous Provisions) Act 1976</a>.</p> <p>For local authorities in Wales: <a href="#">Part 8 of Public Health (Wales) Act 2017</a> concerns their powers and obligations.</p>		

<p>It is good practice to provide separate facilities and also to have a unisex option where space allows.</p>		<p><a href="#">British Standard BS 6465</a> – and see Sex Matters (2025). '<a href="#">Happy World Toilet Day!</a>'; <a href="#">Building approved documents G, M and T (England)</a>.</p> <p>Scotland: Scottish Government (2020). '<a href="#">3.12 Sanitary facilities</a>', <i>Building standards technical handbook 2020: non-domestic</i>.</p> <p>Wales: <a href="#">Building approved documents G and M</a>.</p>		
<p>Facilities can be signposted with words or just a simple picture or icon.</p>	<p><a href="#">ISO 7010</a> covers international standards for signage.</p>			
<p>Physical differences between women and girls and men and boys matter a lot in sport.</p>				<p>Emma Hilton and Tommy Lundberg (2020). '<a href="#">Transgender Women in the Female Category of Sport: Perspectives on Testosterone Suppression and Performance Advantage</a>', <i>Sports Medicine</i>.</p> <p>Emma Hilton (2018). '<a href="#">Harder, better, faster, stronger: why we must protect female sports</a>'. <i>FondOfBeetles</i>.</p>

<p>Inclusion for women in sport depends on recognising this, with facilities, training, teams, competitions, equipment and talent pathways provided for female participants as well as male.</p>				<p>Women In Sport (accessed November 2025). <a href="#">‘Trans Inclusion &amp; Women’s Sport’</a>.</p>
<p>When it comes to sporting competitions, the Equality Act 2010 provides that wherever male strength, stamina or physique provides competitive advantage or presents safety risks, sex-based competition rules are lawful.</p>		<p><a href="#">Equality Act 2010 Section 195</a>.</p>		
<p>The UK’s sports councils are required to work to advance equality for women and men. The sports governing bodies are required not to unlawfully discriminate on the basis of sex.</p>		<p><a href="#">Equality Act 2010 Section 149</a>; equality policies: <a href="#">UK Sport</a>, <a href="#">Sport England</a>, <a href="#">Sport Wales</a>, <a href="#">Sport Scotland</a>.</p>		
<p>Across the UK there is a policy of providing single-sex hospital accommodation where appropriate (this doesn’t include areas such as critical care). But in practice NHS bodies have adopted gender self-identification, undermining these policies.</p>		<p>NHS England (2019). <a href="#">Delivering same-sex accommodation. Annex B</a>, <a href="#">Delivering same-sex accommodation</a>.</p>		<p>Sex Matters (2021). <a href="#">Reviewing Annex B</a> and Murray Blackburn Mackenzie (2022). <a href="#">‘The erosion of single-sex hospital accommodation in Scotland’</a>.</p>
<p>People can choose to form all kinds of associations, including single-sex</p>		<p><a href="#">Equality Act 2010 Schedule 16</a>.</p>		<p>Naomi Cunningham (2025). <a href="#">Lesbian-only spaces: advice</a></p>

associations and associations based on other protected characteristics such as sexual orientation.				<a href="#">for FiLiA</a> , LGB Alliance Cymru.
Charities that are set up to provide benefits for women or men (or girls or boys) must serve this group.		<a href="#">Equality Act 2010 Section 193</a> .		Charity Commission (2013). <a href="#">Equality Act guidance for charities</a> .
Sex is the single most important predictor of the risk of criminal behaviour.				Jo Phoenix (2023). ' <a href="#">Women, Men and Criminal Justice</a> ', <i>The Philosophers' Magazine</i> .
Men account for 75 percent of all convictions each year, 93 percent of all murder convictions and more than 98 percent of all convictions for sex crimes.		Ministry of Justice (2025). <a href="#">Statistics on Women and the Criminal Justice System 2023</a> .		Richard Garside (2024). ' <a href="#">Accuracy in criminal statistics matters</a> ', <i>Centre for Crime and Justice Studies</i> .
Voyeurism (peeking) and exposure (flashing) are crimes that are commonly committed by men against women and girls.				Sex Matters (2025). ' <a href="#">Combatting exposure and voyeurism</a> '.
The law against voyeurism defines a "private act" as something where a person's genitals, buttocks or breasts are exposed or covered only with underwear, or they are using a lavatory in a place which would reasonably be expected to provide privacy.		<a href="#">Sexual Offences Act 2003, Section 67</a> .		

<p>Questions about sexual consent relate to a person’s sex. If a person lies or misleads another about what sex they are, and they engage in a sexual act on the basis of this deceit, they may be found guilty of a crime.</p>		<p><a href="#">Sexual Offences Act 2003, Section 74.</a></p>	<p><a href="#">McNally v R [2013] EWCA Crim 1051.</a></p>	<p>Crown Prosecution Service (2024). <a href="#">‘Deception as to sex’ from chapter 6: Consent, Rape and Sexual Offences.</a></p>
<p>If you are searched by the police (involving removal of more than a jacket and shoes), this must be done by an officer of the same sex.</p>		<p>England and Wales: Police and Criminal Evidence Act 1984 (PACE) <a href="#">codes of practice A and C.</a></p> <p>Scotland: Scottish Government (2017). <a href="#">Stop and Search of the Person in Scotland: code of practice for constables.</a></p> <p>Northern Ireland: Police and Criminal Evidence Act 1984 (PACE) <a href="#">codes of practice A and C.</a></p>		
<p>If you are a victim of sexual violence or domestic abuse, you have the right to request the police officer conducting the interview is of the sex of your choice.</p>		<p>England and Wales: Ministry of Justice (2025). <a href="#">The Code of Practice for Victims of Crime in England and Wales and supporting public information materials.</a></p>		

		Scotland: Scottish Government (2020). <a href="#">Victims' Code for Scotland</a> .		
If you are giving legal evidence, you must be allowed to refer to a person in terms of your experience and perception. You cannot be required to use preferred pronouns in court.		Courts and Tribunals Judiciary (2025). <a href="#">Equal Treatment Bench Book</a> .  Judiciary of Scotland (2025). <a href="#">Equal Treatment Bench Book</a> .		
In prisons, men and women should be detained in separate institutions as far as possible.	United Nations (2015). <a href="#">United Nations Standard Minimum Rules for the Treatment of Prisoners</a> (Nelson Mandela Rules).	<a href="#">The Prison Rules 1999</a> .		
Organisations are allowed to take positive action to address disadvantages that people face because of protected characteristics.		<a href="#">Equality Act 2010 Section 159</a> .		
Public-sector bodies have a duty to advance equality between women and men and must consider the impact of their policies on both sexes.		<a href="#">Equality Act 2010 Section 149</a> .		

<p>Actions for women as a group must relate to biological females.</p>		<p><a href="#"><i>For Women Scotland v The Scottish Ministers [2025]</i></a> UKSC 16, paragraph 237.</p>		
<p>Sex, like all personal information, should be recorded accurately and shared where there is a lawful basis.</p>		<p><a href="#">UK General Data Protection Regulation (UK GDPR); Data Protection Act 2018.</a></p>		<p>Sex Matters (2023). <a href="#">Data matters.</a></p> <p>Alice Sullivan (2025). <a href="#">Independent review of data, statistics and research on sex and gender.</a></p>
<p>They have the right not to be discriminated against... But this does not mean that people who identify as transgender have changed sex, or that they have the right to use services provided for members of the opposite sex.</p>		<p><a href="#">Equality Act 2010 Section 7.</a></p> <p><a href="#">For Women Scotland v The Scottish Ministers [2025]</a> UKSC 16, paragraph 265.</p>		<p>Ben Cooper (2025). <a href="#">For Women Scotland v The Scottish Ministers: why the Supreme Court's judgment does not remove, diminish or breach the rights and protections of trans people.</a></p>
<p>People had been led to believe by public authorities, among others, for the last 15 years that they had rights which they didn't have."Lord Hodge, Supreme Court judge, in The Times, September 2025</p>				<p>Magnus Linklater (2025). '<a href="#">Lord Hodge: Supreme Court had a duty to rule on gender</a>', <i>The Times</i>.</p>

