

Karen Adam MSP
Convener
Equalities, Human Rights and Civil Justice Committee
The Scottish Parliament
By email only

From: Dr Lesley Sawers OBE,
Scotland Commissioner and Deputy Chair

Wednesday 23 April 2025

Dear Convener,

Thank you for your letter of 17 April seeking the Equality and Human Rights Commission's response to the Supreme Court judgment in *For Women Scotland Ltd v The Scottish Ministers*.

Our initial reflections on the judgment are set out in the public [statement](#) we made on 17 April.

The EHRC is clear that there are significant implications for the interpretation of Britain's equality laws. We welcome the clarity this ruling brings; its importance to those whose rights are affected under the Equality Act cannot be overstated.

The central issue raised by this appeal was how 'sex', 'man' and 'woman' are defined in the Act. Our submission to the Court highlighted significant problems with the practical application of a definition of 'sex' which allowed

E: scotland@equalityhumanrights.com
equalityhumanrights.com

those who have acquired a Gender Recognition Certificate (GRC) to be treated as their certified sex in the Equality Act. These inconsistencies impaired the proper functioning of the Act and risked jeopardising the rights and interests of women and same-sex attracted people.

The judgment resolves the difficulties we highlighted in our submission to the court. These include the challenges faced by those seeking to maintain single-sex spaces, and the rights of same-sex attracted persons to form associations.

We will take the outcome of this appeal into account in our ongoing work as the regulator of the Equality Act. Our revised Code of Practice which, subject to ministerial approval, is expected to be laid before Parliament before the summer recess. We will be working to incorporate the implications of this judgment into the updated Code, which supports service providers, public bodies and associations to understand their duties under the Equality Act and put them into practice.

Where this judgment impacts upon our other advice for duty-bearers, such as our single-sex services guidance, we will review it as a matter of urgency and alert users to where guidance has been withdrawn or needs to be updated.

In the meantime, the EHRC will continue to exercise its statutory duties to regulate and enforce the Equality Act 2010, ensuring protection for all protected characteristics including those of sex, gender reassignment and sexual orientation. We remain committed to promoting equality and tackling

E: scotland@equalityhumanrights.com

equalityhumanrights.com

discrimination in all its forms and will continue to work with all relevant stakeholders on these matters.

Yours sincerely,

Dr Lesley Sawers OBE
Deputy Chair and Scotland Commissioner
Equality and Human Rights Commission