

Supreme Court issues judgment in appeal by For Women Scotland

The definition of a woman in the Equality Act 2010 has been set out in the unanimous judgement handed down by Lord Hodge at the Supreme Court on Wednesday as a “biological woman and biological sex”.

The case was explained as purely an interpretation of two pieces of legislation which parliament has previously enacted – the Equality Act 2010 and the Gender Recognition Act 2004.

It rejects The Scottish Government argument that the term “woman” includes transgender people with Gender Recognition Certificates.

Lord Hodge, the Deputy Lord President of the Supreme Court, said that transgender people are protected by the Equality Act not only against discrimination but also against direct and indirect harassment. The decision states: “The interpretation of the EA 2010 (ie the biological sex reading), which we conclude is the only correct one, does not cause disadvantage to trans people, with or without a GRC. In the light of case law interpreting the relevant provisions, they would be able to invoke the provisions on direct discrimination and harassment, and indirect discrimination.”

Susan Smith, a director of Women for Scotland Ltd said while

celebrating the decision outside The Supreme Court, that this is “now the law” and The Scottish Government must be urged not to promote any faulty guidance or policies “into schools and hospitals”.

In the decision Lady Rose and Lady Simler said: “The definition of sex in the Equality Act 2010 makes clear that the concept of sex is binary, a person is either a woman or a man.

“Persons who share that protected characteristic for the purposes of the group-based rights and protections are persons of the same sex and provisions that refer to protection for women necessarily exclude men.

“Although the word ‘biological’ does not appear in this definition, the ordinary meaning of those plain and unambiguous words corresponds with the biological characteristics that make an individual a man or a woman.

“These are assumed to be self-explanatory and to require no further explanation.”

The judgment delivered by Deputy President of the Supreme Court, Lord Hodge, is below:



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The Gender Recognition Reform Bill was passed by The Scottish Government allowing people to self identify with a gender recognition certificate. This bill was then blocked by the Scottish Secretary on behalf of the UK Government.

A UK Government spokesperson said: "We have always supported the protection of single sex spaces based on biological sex.

"This ruling brings clarity and confidence, for women and service providers such as hospitals, refuges, and sports clubs.

"Single sex spaces are protected in law and will always be protected by this government."

Scottish Conservative leader Russell Findlay said: "This is a victory for women across the United Kingdom, a victory for common sense – and an abject humiliation for the SNP.

"John Swinney now needs to respect women's rights and get rid of the dangerous gender policies which have become embedded in Scotland's public institutions.

"This ruling should sound the death knell once and for all for Nicola Sturgeon's reckless self-ID plans, which Labour, the Liberal Democrats and the Greens shamefully backed to the hilt at Holyrood.

"John Swinney must stop obsessing about gender and get back to the day job of delivering better public services and a stronger economy.

"Too much time, energy and taxpayers' money has been wasted on the divisive issue of gender ideology."

Scottish Labour Equalities spokesperson Paul O'Kane said "Scottish Labour has always called for the protection of single sex spaces on the basis of biological sex, as provided the in the Equality Act.

"This court ruling should of course be respected, and as Lord Hodge said this must not be read as a triumph of one or more groups at the expense of another.

"Now that we have this clarity, the SNP Government must now provide clear guidance for Scottish public services so they can implement the Equality Act properly and uphold the rights and dignity of all."

However the Scottish Greens have concerns over the judgement of the highest civil court.

Scottish Greens MSP, Maggie Chapman said: "This is a deeply concerning ruling for human rights and a huge blow to some of the most marginalised people in our society.

"It could remove important protections and will leave many trans people and their loved ones deeply anxious and worried about how their lives will be affected and about what will come next.

"Trans people just want to be able to live their lives like any of us, without the fear of prejudice or violence, but today they have been badly let down.

"Trans people have been cynically targeted and demonised by politicians and large parts of the media for far too long. This has contributed to attacks on longstanding rights and attempts to erase their existence altogether.

"Whatever happens next, we will continue to stand with trans people and resist the nasty and aggressive culture war that is being waged against them and challenge any attempts to remove their rights.

"We will always stand up for human rights, dignity and respect

for all people. We will stand with the trans community today, tomorrow and always.”

Judgment has been given this morning in the matter of For Women Scotland Ltd (Appellant) v The Scottish Ministers (Respondent) UKSC 2024/0042: <https://t.co/QGmrliN0sGpic.twitter.com/f2qlAD2JMV>

– UK Supreme Court (@UKSupremeCourt) [April 16, 2025](#)