

## Response ID ANON-SKKC-G1B8-X

Submitted to Gender Representation on Public Boards (Amendment) (Scotland) Bill  
Submitted on 2024-01-17 20:03:36

### About you

1 Please read the privacy notice below and tick the box below to show that you understand how the data you provide will be used as set out in the policy.

I have read and understood how the personal data I provide will be used.

2 How your response will be published

I would like my response to be published in its entirety

3 What is your name?

Name:  
Trina Budge

4 What is your email address?

Email:  
info@forwomen.scot

5 Are you responding as an individual or on behalf of an organisation?

Organisation

### Organisation details

1 Name of organisation

Name of organisation:  
For Women Scotland

2 Information about your organisation

Please add information about your organisation in the box below:

For Women Scotland is a not-for-profit group campaigning to protect and strengthen women's rights in Scotland.

### Question about the Bill

1 This Bill will update the statute book by removing the definition of "woman" from section 2 of the Gender Representation on Public Boards (Scotland) Act 2018. This change is in line with the Court of Session ruling. Do you have any views on this proposal?

Please provide your response in the box provided.:

The definition of "woman" in the Act was ruled unlawful by the Court of Session Inner House and a court order [1] issued in March 2022 requiring the Scottish Ministers to remove the definition from section 2 of the published Act [2]. As acknowledged in the Bill Overview [3] the Scottish Government does not consider there to be any alternative course of action.

It is therefore unclear what discussion of "merits or otherwise" there can be on the Ministers' legal obligation to comply with the court order. The judgment [4] was very clear that incorporating a person who holds the protected characteristic of gender reassignment and who is 'living as a woman' into the definition of woman impinged on reserved matters and was therefore unlawful.

As the women's rights group who won this judicial review, and on behalf of the 5,278 people who generously contributed £196,815 to our CrowdJustice [5] fund for the legal costs, we would expect to see the Bill progress as it stands. Any deviation could risk the Scottish Ministers facing further proceedings in the Court of Session for contempt.

### References:

[1] <https://forwomen.scot/wp-content/uploads/2022/03/Interlocutor.pdf>

[2] <https://www.legislation.gov.uk/asp/2018/4/section/2/enacted>

[3] <https://yourviews.parliament.scot/ehrcj/gender-representation-public-boards-bill/>

[4] <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2022csih4.pdf>

[5] <https://www.crowdjustice.com/case/stop-scottish-government-redefining-woman/>