

Case No:
UKSC 2024/0042

IN THE SUPREME COURT OF THE UNITED KINGDOM

ON APPEAL FROM

THE SECOND DIVISION OF THE COURT OF SESSION

in the Petition of

FOR WOMEN SCOTLAND LIMITED

PETITIONER AND APPELLANT

for Judicial Review of the revised statutory guidance produced by the Scottish Ministers
under Section 7 of the Gender Representation on Public Boards (Scotland) Act 2018

STATEMENT OF FACTS AND ISSUES

References to documents in the Appendix appear in the format [APP/tab no.(/page ns.)]

NARRATIVE OF THE RELEVANT FACTS

Proceedings in the courts below

1. This is an appeal against a decision of the Second Division of the Inner House of the Court of Session in *For Women Scotland v. Scottish Ministers (No. 2)* [2023] CSIH 37, 2023 SLT 1216 [2024] IRLR 138 (Lord Justice Clerk (Lady Dorrian), Lord Malcolm, and Lord Pentland) dated 1 November 2023, issued after a one day hearing before that court held on 4 October 2023.

2. The decision of the court was to refuse the petitioner’s and appellant’s reclaiming motion against the decision of the Lord Ordinary, Lady Haldane in *For Women Scotland v. Scottish Ministers (No. 2)* [2022] CSOH 90, 2023 SC 61, issued after a two day hearing held before the Lord Ordinary on 9 and 10 November 2022.
3. The petition challenges the lawfulness of the following paragraph of the revised statutory guidance dated 19 April 2022 which was issued by the Scottish Ministers under section 7 of the Gender Representation on Public Boards (Scotland) Act 2018 (“2018 ASP”), following the decision of the Second Division of the Inner House in *For Women Scotland v. Scottish Ministers (No. 1)* [2022] CSIH 4, 2022 SC 150:

‘The meaning of “woman” for the purposes of the Act

2.12 There is no definition of “woman” set out in the Act with effect from 19 April 2022 following decisions of the Court of 18 February and 22 March 2022 [*For Women Scotland v. Scottish Ministers (No. 1)* [2022] CSIH 4, 2022 SC 150]. Therefore “woman” in the Act has the meaning under section 11 and section 212(1) of the Equality Act 2010.

In addition, in terms of section 9(1) of the Gender Recognition Act 2004, where a full gender recognition certificate has been issued to a person that their acquired gender is female, the person’s sex is that of a woman, and where a full gender recognition certificate has been issued to a person that their acquired gender is male, the person’s sex becomes that of a man.’

4. The appeal is brought under section 40 of the Court of Session Act 1988, the court below having given its permission to appeal to this court under section 40(1)(a) of that Act on 16 February 2024.

Relevant statutory framework

5. Paragraphs 1 to 3 of Part II of Schedule 5 to the Scotland Act 1998 (“SA 1998”) provide as follows:
 - “1. The matters to which any of the Sections in this Part apply are reserved matters for the purposes of this Act.

2. A Section applies to any matter described or referred to in it when read with any illustrations, exceptions or interpretation provisions in that Section.
 3. Any illustrations, exceptions or interpretation provisions in a Section relate only to that Section (so that an entry under the heading “exceptions” does not affect any other Section).”
6. With effect from May 2016, the Scotland Act 2016 amended the reservation of “equal opportunities” to the UK Parliament, so as to allow the Scottish Parliament to legislate for workplace positive action measures to be taken in relation to persons to be appointed to non-executive posts on boards of certain public authorities in Scotland (the “public boards exemption”). Following the amendments effected by the 2016 Act, paragraph L2 of Schedule 5 SA 1998 read, so far as relevant, as follows:

“L2. Equal opportunities

Equal opportunities

Exceptions

...

Equal opportunities so far as relating to the inclusion of persons with protected characteristics in non-executive posts on boards of Scottish public authorities with mixed functions or no reserved functions.

Equal opportunities in relation to the Scottish functions of any Scottish public authority or cross-border public authority, other than any function that relates to the inclusion of persons in non-executive posts on boards of Scottish public authorities with mixed functions or no reserved functions. The provision falling within this exception does not include any modification of the Equality Act 2010, or of any subordinate legislation made under that Act, but does include—

- (a) provision that supplements or is otherwise additional to provision made by that Act;
- (b) in particular, provision imposing a requirement to take action that that Act does not prohibit;
- (c) provision that reproduces or applies an enactment contained in that Act, with or without modification, without affecting the enactment as it applies for the purposes of that Act.

Interpretation

“Board” includes any other equivalent management body.

“Equal opportunities” means the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

“Equal opportunity requirements” means the requirements of the law for the time being relating to equal opportunities.

“Non-executive post” in relation to an authority means any position the holder of which is not an employee of the authority.

“Protected characteristic” has the same meaning as in the Equality Act 2010.

“Scottish functions” means functions which are exercisable in or as regards Scotland and which do not relate to reserved matters.

The references to the Equality Act 2010 and any subordinate legislation made under that Act are to be read as references to those enactments, as at the day on which section 37 of the Scotland Act 2016 comes into force, but treating any provision of them that is not yet in force on that day as if it were in force.”

7. The 2018 ASP was passed by the Scottish Parliament on 30 January 2018 and received Royal Assent on 9 March 2018. Its purpose was to make provision - compatibly with the requirements of the SA 1998 public boards exemption and the Equality Act 2010 (“EA 2010”) more generally - for workplace positive action measures to be taken in relation to the appointment of women to non-executive posts on boards of certain Scottish public authorities. To this end, the 2018 ASP provided for a “gender representation objective” and certain mechanisms by which, and definitions according to which, that objective was to be sought to be achieved. As enacted, the 2018 ASP provided, so far as relevant, as follows:

“1 Gender representation objective

(1) The ‘gender representation objective’ for a public board is that it has 50% of non-executive members who are women.

(2) Where a public board has an odd number of non-executive members, the percentage mentioned in subsection (1) applies as if the board had one fewer non-executive member.

2 Key definitions

In this Act—

[...]

‘woman’ includes a person who has the protected characteristic of gender reassignment (within the meaning of section 7 of the Equality Act 2010) if, and only if, the person is living as a woman and is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of becoming female.”

The first judicial review

8. The current petitioner and appellant, For Women Scotland Limited, raised judicial review proceedings in respect of the 2018 ASP and its associated statutory guidance in the Court of Session in 2020. In those proceedings, the petitioner and appellant submitted that section 2 of the 2018 ASP fell outwith the legislative competence of the Scottish Parliament in so far as it defined “woman” to include a person who has the protected characteristic of gender reassignment (within the meaning of section 7 EA 2010) “if, and only if, the person is living as a woman and is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of becoming female.”
9. The orders sought by the petitioner and appellant in the petition included an order for reduction (quashing) of those parts of the statutory guidance issued by the Scottish Ministers under the 2018 ASP which reflected the definition of “woman” in section 2 of the 2018 ASP. The statutory guidance dated June 2020, provided in that regard, so far as relevant, as follows (footnotes omitted unless otherwise indicated):

“The definition of ‘woman’ for the purposes of the [2018] Act

2.12 Section 2 of the Act provides that for the purposes of the Act, ‘woman’ includes ‘a person who has the protected characteristic of gender reassignment (within the meaning of section 7 of the Equality Act 2010) if, and only if, the person is living as a woman and is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of becoming female’.

2.13 To be included, a trans woman without a UK Gender Recognition Certificate or without gender recognition from another EU Member State [FN 3: “a trans woman with a UK Gender Recognition Certificate or with gender recognition from another EU Member State is legally a woman”] must therefore meet the following criteria:

1. have the characteristic of gender reassignment as defined in the Equality Act 2010.

The definition of gender reassignment in the Equality Act 2010 is – “a person has the protected characteristic of gender reassignment if the person 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”. This definition includes those reassigning their sex from male to female as well as those reassigning their sex from female to male. A person who meets this definition is not covered by the definition of “woman” in the Act unless they also meet the following two criteria. The person does not need to have undergone any specific treatment or surgery

2. be proposing to undergo, is undergoing or undergone a process (or part of a process) for the purpose of reassigning their sex to female.

This element of the definition means that a person with the protected characteristic of gender reassignment is only covered if they are proposing to undergo, is undergoing or have undergone a process to reassign their sex to female. A person reassigning their sex from female to male would not be included in the definition of woman for the purposes of the Act.

3. be living as a woman

This would not require the person to dress, look or behave in any particular way. However, it would be expected that there would be evidence that the person was continuously living as a woman, such as – always using female pronouns; using a female name on official documents such as a driving licence or passport, or on utility bills or bank accounts; using female titles; updating the gender marker to female on official documents such as a driving licence or passport; describing themselves and being described by others in written or other communication as a woman.

2.14 This definition in section 2 provides clarity that, for the purposes of applying the provisions of the Act, ‘woman’ includes a trans woman who meets the definition set out. This provision only relates to the meaning of ‘woman’ in the Act. This does not have the effect of creating a new legal definition of woman in any other context.

2.15 The Act does not require an appointing person to ask a candidate to prove that they meet the definition of ‘woman’ in the Act.”

10. The first judicial review challenge was unsuccessful at first instance (*For Women Scotland, Petitioner* [2021] CSOH 31, 2021 SLT 639) but was successful on appeal to the Inner House (*For Women Scotland Ltd v Lord Advocate* [2022] CSIH 4, 2022 SC 150 (“*FWS 1*”). In a decision dated 18 February 2022, the Second Division of the Inner House (comprising the Lord Justice Clerk (Lady Dorrian), Lord Malcolm and Lord Pentland) held (at paras 40-41) that:

“40 [...] ‘transgender women’ is not a category for these purposes; it is not a protected characteristic and for the reasons given, the definition of ‘woman’ adopted in the Act impinges on the nature of protected characteristics which is a reserved matter.

Changing the definitions of protected characteristic, even for the purpose of achieving the GRO [gender representation objective], is not permitted and in this respect the 2018 ASP is outwith legislative competence.

41. For the above reasons the reclaiming motion succeeds.”

11. On 22 March 2022, the Second Division issued an interlocutor in terms of which it found and declared that the definition of “woman” in section 2 of the 2018 ASP was outside the legislative competence of the Scottish Parliament “in that it relates to reserved matters and is accordingly not law in terms of section 29(1) and (2)(b) of the Scotland Act 1998”; and granted decree of reduction of (i) the definition of woman included in section 2 of the 2018 ASP; and (ii) “paragraphs 2.12 to 2.15 inclusive (together with the supporting footnotes of these paragraphs) in the Scottish Ministers’ final version of their statutory guidance published on 2 June 2020 and produced under and in terms of section 7 of the [2018 ASP]” (see paragraph 9 above).

The Scottish Ministers’ revised statutory guidance

12. On 19 April 2022, the Scottish Ministers issued revised statutory guidance under section 7 of the 2018 ASP (see paragraph 3 above).
13. The position of the Scottish Ministers, as reflected in their revised statutory guidance, is that the term “woman” as it is used in the “gender representation objective” in section 1

of the 2018 ASP includes, by operation of section 9(1) of the Gender Recognition Act 2004 (“GRA 2004”), a person who has been issued with a full gender recognition certificate to the effect that that person’s gender has become the “acquired gender” of “female”.

14. The parties agree that the effect of the Scottish Ministers’ position as set out above is that a person who has been issued with a full gender recognition certificate to the effect that that person’s gender has become the “acquired gender” of “male”, is not a “woman” for the purpose of section 1 of the 2018 ASP.

Pre-action correspondence & the guidance of the Equality and Human Rights Commission

15. On 20 May 2022, before the second judicial review proceedings were raised, the petitioner and appellant wrote to the Scottish Government Legal Directorate (SGLD) to set out its expectation that the now-challenged text in paragraph 2.12 of the revised statutory guidance would be removed, on the basis of the decision of the Second Division in *FWS1*. The letter of 20 May 2022 included the statement: “The Inner House were [...] clear in their decision that the Equality Act 2010 expressly distinguishes between (biological) sex and (social) gender, and that the term “woman” does not include those born men/male who have acquired a full gender recognition certificate”. SGLD replied to that letter on behalf of the Scottish Ministers on 1 June 2022. In that letter, SGLD set out its disagreement with the petitioner’s and appellant’s characterisation of the decision of the Second Division; stated that: “The court made no finding in relation to the effect of having a full gender recognition certificate (GRC) under section 9 of the Gender Recognition Act 2004”; and referred to guidance from the Equality and Human Rights Commission, entitled “Separate and single-sex service providers: a guide on the Equality Act sex and gender reassignment provisions”. The letter stated in this regard as follows:

“In the section [of the guidance] headed ‘What the Equality Act says about the protected characteristics of sex and gender reassignment’ it is stated:-

‘Under the Equality Act 2010, ‘sex’ is understood as binary, being a man or a woman. For the purposes of the Act, a person’s legal sex is their biological sex as recorded on their birth certificate. A trans person can change their legal sex by obtaining a Gender Recognition Certificate. A trans person who does not have a Gender Recognition Certificate retains the sex recorded on their birth certificate for the purposes of the Act.’

This EHRC Guidance confirms that a trans woman with a full GRC has changed their ‘legal sex’ from their ‘biological sex’ (male) to their ‘acquired sex’ (female). Therefore that trans woman has the protected characteristic under the 2010 Act of their ‘acquired sex’ (female). In terms of the 2018 ASP this means that a trans woman with a full GRC must be treated as a woman, which is the position set out in the sentence in the Guidance on the 2018 ASP that your clients disagree with.”

The second judicial review

16. The petitioner and appellant raised further judicial review proceedings in the Court of Session in 2022. The second petition challenges the lawfulness of the revised statutory guidance as regards the meaning given in it to the term “woman” for the purposes of those operating under the 2018 ASP giving effect, in practice, to the “gender representation objective” in section 1 of the 2018 ASP
17. The second judicial review was unsuccessful both at first instance (*For Women Scotland v. Scottish Ministers (No. 2)* [2022] CSOH 90, 2023 SC 61) and on appeal (before the same Division composed of the same judges as had originally upheld the petitioner and appellant’s reclaiming motion in *FWS 1: For Women Scotland v. Scottish Ministers (No. 2)* [2023] CSIH 37, 2023 SLT 1216 (“*FWS 2*”). It is this judgment in *FWS 2* which is the judgment under appeal in the present case.

Treatment by the court below of the legal issues before it

18. The overarching issue before the court below was whether the revised statutory guidance was lawful. The petitioner and appellant advanced five grounds of appeal against the Lord Ordinary’s decision, arguing that the Lord Ordinary: (1) misunderstood and failed to apply the relevant law as set out in binding decisions of the Inner House (*FWS 1* and *Fair Play for Women Ltd v Registrar General for Scotland* [2022] CSIH 7, 2022 SC 199); (2) misinterpreted and wrongly applied the EA 2010; (3) misinterpreted and wrongly applied the GRA 2004; (4) misinterpreted and failed to apply the constitutional concept of implied repeal/disapplication as between earlier and later statutes; and (5) misinterpreted and wrongly applied the 2018 ASP.
19. The “analysis and decision” of the court below is set out at paragraphs 29 to 65 of its opinion, under that heading, as follows:

- (i) The GRA 2004 was intended by the UK Parliament to be a far-reaching enactment to put into place a detailed mechanism that ultimately effected a change to a person's status in the eyes of the law, specifically their sex [§36];
- (ii) The GRA 2004 achieved that change in section 9(1). There was no distinction in this connection between sex and gender, and reference to sex within the GRA 2004 was not a reference to biological determinants [§37];
- (iii) Parliament's intention was that, on receipt of a GRC a person's sex was to be that of their acquired gender, man or woman. Section 9(1) GRA 2004, read with sections 9(2) and (3) GRA 2004, essentially meant that the person with the GRC acquires the opposite gender for all purposes unless there is a specific exception in the GRA, or the terms and context of a subsequent enactment require a different interpretation [§§41-42];
- (iv) Section 9 GRA 2004 requires the sex of the individual for the purposes of sex discrimination to be understood to be that of the acquired gender. The alternative approach would seriously undermine the intention behind the GRA 2004 and could not be viewed as mandated by or an intended consequence of the EA 2010 [§50];
- (v) The court was required to consider the specific question before it, and not other matters which were academic for the resolution of that issue. The court considered it to be neither practical nor necessary for it to attempt to examine every section and every schedule of the EA 2010, an Act of Parliament which stretches to some 336 pages, to determine whether in some different and hypothetical set of circumstances it may be necessary to adopt a contextual interpretation of terms such as "sex" or "gender" based on biology. [§53]
- (vi) The court nonetheless addressed some of the examples suggested by the claimant in submitting that an interpretation which involved treating a person with a GRC as a person of their acquired sex would render the EA unworkable. In particular the court looked at:
 - (a) paragraph 4 of Schedule 9 EA 2010 concerning work exceptions so far as relating to sex discrimination or gender reassignment discrimination with regard to the armed forces (§54);

- (b) paragraphs 26, 27 and 28 in Part 7 of Schedule 3 EA 2010 concerning services and public functions exceptions in relation to “separate, single and concessionary services, etc.” (§§ 55-56);
 - (c) the impact of a GRC being issued on “sexual orientation” as defined in Section 12 EA 2010 (§57);
 - (d) paragraphs 1 to 4 in Part 1 of Schedule 11 EA 2010 concerning Schools Exception to sex discrimination, and paragraphs 1 to 3 in Part 1 of Schedule 12 EA 2010 concerning Further and Higher Education Exceptions relating to single-sex institutions (§58);
 - (e) paragraph 3 in Schedule 23 EA 2010 concerning general exceptions to sex discrimination or gender reassignment discrimination in relation to communal accommodation (§59)
- (vii) The only area where a different interpretation may be mandated is pregnancy and maternity discrimination (for which specific provisions is made in and by the following EA 2010 provisions, among others: Sections 13(6), 17, 18, 25(5), 39(6), 49(12), 50(12), 72-76, 106(6)(b); paragraphs 14 and 23(2)(d) in Schedule 3; paragraph 2 in Schedule 7; paragraphs 17 and 20(2)(c) in Schedule 9; paragraph 2 in Schedule 16; and paragraph 2 in Schedule 22). A definition of “woman” is not the essential element at which the protection is aimed; rather it is the fact of pregnancy, birth or breast feeding. Moreover, the context is one in which the importance of biology is blatantly clear. Unlike other forms of discrimination, no comparator is identified, simply because there can be none. Section 212 EA 2010 does not include the words “except where the context otherwise requires” but these are implicit in any statutory definition. To interpret these provisions as including only those who are pregnant both as a matter of fact and biology, regardless of the terms of any GRC, does not detract from the proposition that the default interpretation of “woman” or “female” would, elsewhere in the EA 2010, include such a person [§§60, 62];
- (viii) The issue before the court concerned the interpretation of specific provisions within the EA 2010, and the Scottish Ministers’ Guidance to the 2018 ASP. Other legislation would require to be interpreted according to relevant circumstances and the precise terms, intent and content of the legislation. Where an issue of interpretation arises under the terms of different legislation (such as the Abortion Act 1967, the Surrogacy Arrangements Act 1985 and so

on) and in different circumstances those terms will require to be construed according to those circumstances and in that context [§64].

(ix) The guidance issued in respect of the 2018 ASP was accordingly lawful [§65].

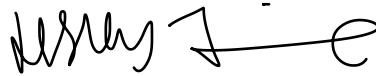
ISSUES IN THIS APPEAL TO THE SUPREME COURT

20. The petitioner and appellant advanced six grounds of appeal against the decision of the court below in support of its application for permission to appeal to this court. It insists on those grounds before this court in this appeal.
21. The parties are agreed that this appeal raises the following issues for determination by this court:
 - (1) the meaning of the terms “sex”, “man” and “woman” in the EA 2010;
 - (2) whether, and if so to what extent, the issuing to an individual of a full Gender Recognition Certificate under the GRA 2004 in the acquired gender of “female” results in that individual thereby falling within the definition of “woman” under the EA 2010;
 - (3) whether, and if so to what extent, the issuing to an individual of a full Gender Recognition Certificate under the GRA 2004 in the acquired gender of “male” results in that individual thereby falling within the definition of “man” under the EA 2010;
 - (4) whether, on a proper interpretation of both the EA 2010 and GRA 2004, the revised statutory guidance issued by the Scottish Ministers under section 7 of the 2018 ASP is lawful, having regard to the limits imposed on the Scottish Ministers’ powers, notably their devolved competence under section 54 SA 1998.
22. The petitioner and appellant considers the following further issue to arise for this court’s determination in this appeal:
 - (5) The proper scope and application of the GRA 2004 and its effect on the interpretation of other laws governing the rights and obligations ordinarily referable to men or women.

Aidan O'Neill

AIDAN O'NEILL KC
SPENCER KEEN, Barrister
for the Appellant

RUTH CRAWFORD KC
LESLEY IRVINE, Advocate

A handwritten signature in black ink, appearing to read 'Lesley Irvine', with a long horizontal stroke extending to the right.

for the Respondents and First Interested Party

ANNEX: CHRONOLOGY OF KEY DATES

- 15 June 2017** The Gender Representation on Public Boards (Scotland) Bill (“the Bill”) was introduced before the Scottish Parliament.
- 30 January 2018** The Bill was passed by the Scottish Parliament.
- 9 March 2018** The Bill received Royal Assent and became the Gender Representation on Public Boards (Scotland) Act 2018 (“the 2018 ASP”). The main provisions of the Act were brought into force on 29 May 2020.
- 2 June 2020** The Scottish Ministers issued statutory guidance under section 7 of the 2018 ASP.
- 27 August 2020** The petitioner and appellant lodged a petition for judicial review in the Court of Session challenging the legislative competence of the definition of “woman” in section 2 of the 2018 ASP.
- 16 October 2020** The Lord Ordinary, Lord Harrower, granted the petitioner and appellant permission to proceed with the judicial review.
- 7-8 January 2021** The substantive hearing of the judicial review took place before the Lord Ordinary, Lady Wise.
- 23 March 2021** The Lord Ordinary, Lady Wise, issued her opinion in *For Women Scotland, Petitioner* [2021] CSOH 31, 2021 SLT 639; and, by an interlocutor of the same date, dismissed the petition.
- 9 April 2021** The petitioner and appellant marked a reclaiming motion (appeal) against the decision of the Lord Ordinary.
- 3-4 November 2021** The reclaiming motion (appeal) was heard before a Second Division of the Inner House consisting of the Lord Justice Clerk (Lady Dorrian), Lord Malcolm and Lord Pentland.

- 18 February 2022** The Second Division issued its opinion, allowing the reclaiming motion: *For Women Scotland Ltd v Lord Advocate* [2022] CSIH 4, 2022 SC 150 (“*FWS 1*”).
- 22 March 2022** The Second Division pronounced an interlocutor among other things reducing (“quashing”) the statutory definition of “woman” contained in the 2018 ASP; reducing in part the associated statutory guidance; and (by way of an order made in terms of section 102 of the Scotland Act 1998), removing any retrospective effect of the decision and suspending the effect of the decision for a period of 4 weeks from that date.
- 19 April 2022** The Scottish Ministers issued revised statutory guidance under section 7 of the 2018 ASP.
- 15 July 2022** The petitioner and appellant lodged a second petition for judicial review in the Court of Session. The second petition challenged the lawfulness of the revised guidance on the meaning of “woman” for the purposes of the operation of 2018 ASP’s positive action measures.
- 16 August 2022** The Lord Ordinary, Lady Haldane, granted the second petition permission to proceed.
- 9-10 Nov 2022** The substantive hearing of the petitioner and appellant’s second petition was held before the Lord Ordinary, Lady Haldane, in the Outer House of the Court of Session.
- 13 December 2022** The Lord Ordinary, Lady Haldane, issued her opinion: *For Women Scotland v. Scottish Ministers (No. 2)* [2022] CSOH 90, 2023 SC 61; and, by an interlocutor of the same date, dismissed the petition.
- 29 December 2022** The petitioner and appellant marked a reclaiming motion (appeal) to the Inner House of the Court of Session.
- 4 October 2023** The reclaiming motion was heard before a Second Division of the Inner House of the Court of Session constituted by the same judges ((Lord Justice Clerk (Lady Dorrian), Lord Malcolm, and Lord Pentland) as heard the reclaiming motion in *FWS 1*.

- 1 November 2023** The court below issued its opinion: *For Women Scotland v. Scottish Ministers (No. 2)* [2023] CSIH 37, 2023 SLT 1216; and, by an interlocutor of the same date, refused the reclaiming motion.
- 7 November 2023** The Gender Representation on Public Boards (Amendment) (Scotland) Bill was introduced in the Scottish Parliament. Section 1 of the Bill provides that: “In section 2 (key definitions) of the Gender Representation on Public Boards (Scotland) Act 2018, the definition of “woman” is repealed”.
- 16 February 2024** The court below granted permission to the petitioner and appellant to appeal to this court.
- 20 June 2024** The Gender Representation on Public Boards (Amendment) (Scotland) Bill was passed by the Scottish Parliament.