# Nearly 50 MSPs challenge Scottish Parliament’s ban on trans people using gender-appropriate toilets



Nearly 50 Members of the Scottish Parliament (MSPs) and their staff have signed a letter expressing profound concern over a recent decision by the governing body of the Scottish Parliament. This decision, which bans transgender individuals from using toilets that correspond to their gender identity, was articulated by Alison Johnstone, the Presiding Officer. Johnstone stated that in the wake of a Supreme Court ruling on biological sex, male- and female-designated toilets would now be interpreted strictly according to biological sex. She added that the Parliament would enhance its existing provisions for gender-neutral facilities to ensure “confidence, privacy and dignity” for all staff and visitors.

However, the letter, drawing from legal advice provided by the Good Law Project, strongly criticises this interpretation. It asserts that Holyrood's approach not only misrepresents the Supreme Court's judgment but also raises significant enforcement issues. “We ask, non-rhetorically, on what basis are staff expected to prove their sex to use a toilet?” it questions, highlighting the risk of potential humiliation, harassment, or worse for transgender and gender non-conforming individuals. The letter suggests that such policies, framed as providing clarity, could instead expose vulnerable groups to increased scrutiny and harm.

Support for the letter has garnered backing from a diverse range of political figures, including former ministers and leaders from various parties, demonstrating that opposition to this decision transcends party lines. Notable signatories include former Scottish government ministers such as Elena Whitham and Emma Roddick, as well as senior figures from the Scottish Liberal Democrats and the Scottish Greens. Hannah Bardell, a former SNP MP who helped facilitate the letter's drafting, emphasised the anxiety among MSPs regarding this divisive issue, noting, “It’s very sad that the question of how trans people live their lives has become so toxic that the very people who represent them feel nervous about signing a letter like this.”

The Scottish Parliament's ruling is particularly contentious as it contrasts sharply with the policies of other parliaments across the UK, which, in the wake of the Supreme Court ruling, have yet to enact similar restrictions. Current guidelines at Westminster, Stormont, and the Senedd remain unchanged as they await comprehensive guidance from the Equality and Human Rights Commission (EHRC). The EHRC has indicated that further consultation will delay its recommendations until after the summer, leaving many organisations in limbo regarding their policies.

A spokesperson for the Scottish Parliament reiterated that the current decision represents an interim stance, suggesting that future adjustments may occur as the Parliament continues to consult with stakeholders, including trade union representatives and equalities groups. They acknowledged the importance of collaboration with these bodies to ensure that anyone with protected characteristics is adequately represented and supported.

As the discourse surrounding gender identity continues to evolve, the Scottish Parliament's recent actions and the ensuing backlash signify a critical juncture in the advocacy for transgender rights. With heightened scrutiny on legislative approaches to gender issues, the developments in Holyrood seem poised to further ignite the ongoing debates surrounding gender identity, equality, and the representation of marginalised communities within Scotland.

## Reference Map:

* Paragraph 1 – [[1]](https://www.theguardian.com/society/2025/may/25/msps-letter-scottish-parliament-trans-toilet-ruling), [[5]](https://www.holyrood.com/news/view%2Cscottish-parliament-changes-toilet-provision-after-supreme-court-ruling)
* Paragraph 2 – [[2]](https://www.theguardian.com/society/2025/may/25/msps-letter-scottish-parliament-trans-toilet-ruling), [[4]](https://www.scotsman.com/news/politics/snp-ministers-told-stop-wasting-time-on-gender-ideology-as-policies-reviewed-after-court-ruling-5094670)
* Paragraph 3 – [[6]](https://www.strathspey-herald.co.uk/news/national/scottish-government-keen-to-work-with-equalities-watchdog-after-gender-ruling-132248/), [[7]](https://www.scotsman.com/news/politics/trans-women-to-be-banned-from-scottish-parliaments-female-toilets-after-supreme-court-ruling-5120343)
* Paragraph 4 – [[1]](https://www.theguardian.com/society/2025/may/25/msps-letter-scottish-parliament-trans-toilet-ruling), [[3]](https://www.gbnews.com/politics/scotland-msp-attack-supreme-court-trans-decision), [[6]](https://www.strathspey-herald.co.uk/news/national/scottish-government-keen-to-work-with-equalities-watchdog-after-gender-ruling-132248/)
* Paragraph 5 – [[1]](https://www.theguardian.com/society/2025/may/25/msps-letter-scottish-parliament-trans-toilet-ruling), [[4]](https://www.scotsman.com/news/politics/snp-ministers-told-stop-wasting-time-on-gender-ideology-as-policies-reviewed-after-court-ruling-5094670)

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## Bibliography

1. <https://www.theguardian.com/society/2025/may/25/msps-letter-scottish-parliament-trans-toilet-ruling> - Please view link - unable to able to access data
2. <https://www.theguardian.com/society/2025/may/25/msps-letter-scottish-parliament-trans-toilet-ruling> - An article from The Guardian reports that nearly 50 Members of the Scottish Parliament (MSPs) and their staff have signed a letter expressing deep concern over the Scottish Parliament's decision to ban transgender individuals from using toilets corresponding to their gender identity. The letter, based on legal advice from the Good Law Project, argues that the Parliament has misinterpreted the Supreme Court's ruling on biological sex, raising concerns about enforcement and potential exposure to humiliation or harassment for transgender individuals. The letter has garnered support from former Scottish government ministers and leaders of various political parties.
3. <https://www.gbnews.com/politics/scotland-msp-attack-supreme-court-trans-decision> - GB News reports on criticism directed at Scottish Green MSP Maggie Chapman for her remarks about the Supreme Court's decision on the definition of a woman. Chapman condemned the ruling as 'bigotry, prejudice and hatred,' leading the Faculty of Advocates to write a letter criticizing her comments as 'appalling' and urging an apology to the Supreme Court. The article highlights the tension between political figures and the judiciary following the court's ruling.
4. <https://www.scotsman.com/news/politics/snp-ministers-told-stop-wasting-time-on-gender-ideology-as-policies-reviewed-after-court-ruling-5094670> - The Scotsman reports that following the Supreme Court's ruling on the definition of a woman, SNP ministers have been urged to cease focusing on 'harmful gender ideology' and to review policies related to single-sex spaces. Social Justice Secretary Shirley-Anne Somerville stated that the Scottish Government fully accepts the ruling and is analyzing its impact, but could not provide a timeline for issuing new guidance to public bodies, as they await an update from the Equality and Human Rights Commission (EHRC).
5. <https://www.holyrood.com/news/view%2Cscottish-parliament-changes-toilet-provision-after-supreme-court-ruling> - Holyrood reports that the Scottish Parliament has altered its toilet facilities following the Supreme Court's judgment. All male and female toilets will now be single-sex, with three existing toilets in the public area designated as 'gender-neutral' to accommodate all individuals. This change aligns with the court's ruling that guidance in equalities law refers to biological sex, prompting the Parliament to adjust its facilities accordingly.
6. <https://www.strathspey-herald.co.uk/news/national/scottish-government-keen-to-work-with-equalities-watchdog-after-gender-ruling-132248/> - The Strathspey Herald reports that the Scottish Government is eager to collaborate with the UK equalities regulator to ensure consistent and comprehensive guidance following the Supreme Court's ruling on gender. The Equality and Human Rights Commission (EHRC) has published interim guidance stating that in public workplaces and services, trans women (biological men) should not be permitted to use women's facilities, and trans men (biological women) should not use men's facilities, as this would mean the facilities are no longer single-sex and must be open to all users of the opposite sex.
7. <https://www.scotsman.com/news/politics/trans-women-to-be-banned-from-scottish-parliaments-female-toilets-after-supreme-court-ruling-5120343> - The Scotsman reports that following the Supreme Court's verdict, trans women are to be banned from using the female toilets at the Scottish Parliament. Presiding Officer Alison Johnstone has informed parliamentary staff that toilets will be based on biological sex only from Monday. The court ruled that the terms 'woman' and 'sex' in the Equality Act 2010 refer to biological sex, and the Scottish Government's guidance suggesting trans women can be classified as women for some legislation was deemed incorrect.