# Scottish Parliament to bar trans women from female toilets after Supreme Court ruling



Trans women are set to be barred from using female toilets in the Scottish Parliament following a significant Supreme Court ruling that redefines the legal interpretation of gender. The decision, announced on April 16, 2025, clarifies that under the Equality Act, a woman is defined as someone born biologically female, thus excluding transgender women from entering women-only spaces, including public restrooms.

Alison Johnstone, the presiding officer of the Scottish Parliament, stated that access to restroom facilities at Holyrood would now be dictated by "biological sex." Certain bathrooms will be designated as gender-neutral in an effort to accommodate diverse needs; however, this falls short of true inclusivity. Previously, access to women's facilities was based on gender self-identification, a policy now revoked after a legal challenge led by the campaign group For Women Scotland.

Johnstone emphasised the necessity of providing clarity to fulfill legal obligations, claiming that “such clarity is an important element in offering all individuals confidence, privacy and dignity.” Yet, this assertion has drawn vocal criticism. Trans rights advocates, including the Scottish Trans and Equality Network, have condemned the ruling as “rushed, unworkable and exclusionary.” Vic Valentine, the manager of the Scottish Trans, expressed his concerns, stating, “It will not do so for trans people. It will exclude us and segregate us in the heart of Scotland's democracy.”

This ruling is part of a troubling trend in which the UK has been scrutinising the rights of transgender individuals. The Supreme Court's decision suggests that public bodies, including healthcare services, may recalibrate their policies on single-sex spaces in a way that risks further marginalisation of transgender people. While existing laws still protect trans individuals from discrimination, the ruling raises serious concerns about access to vital services and the societal implications of such exclusions.

The political landscape has reacted sharply to the ruling. While some Scottish Conservatives welcome this development, viewing it as an affirmation of biological realities, the broader sentiment among right-wing advocates highlights a need for reform that prioritises women’s rights in spaces originally intended for them. Conversely, critics warn the ruling could exacerbate societal divides, creating frameworks that disadvantage already vulnerable communities.

Prime Minister Sir Keir Starmer has publicly re-evaluated his stance, asserting that “a woman is an adult female.” Once a staunch proponent of trans inclusion, he has aligned himself with the court’s interpretation, endorsing policies that would exclude trans women from several female-designated spaces. This shift reflects the changing dynamics of political dialogue surrounding gender and equality, reinforcing the notion that political leaders must approach these matters with a greater focus on rights and representation.

Globally, the ruling threatens to influence ongoing discussions about transgender rights. Activists fear it might embolden anti-trans sentiments, particularly in nations facing similar challenges. In the US, legal protections for transgender individuals are increasingly under threat, raising concerns that a worrying precedent might be established, further eroding rights beyond the UK.

As the Scottish Government grapples with these divisive issues, calls for clear guidance and ethical frameworks in policy development are intensifying. With growing protests in cities like London advocating for trans rights, the ruling highlights a crucial juncture in the ongoing battle for gender equality and the rights of diverse communities across the UK.

In this rapidly evolving landscape, it is imperative for all stakeholders to seek solutions that comply with legal requirements while fostering a truly inclusive environment that does not forsake the rights of some for the sake of others. The crucial dialogue on gender identity must move toward a framework that respects everyone, especially those whose identities are precariously situated in this shifting sociopolitical terrain.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.dailyrecord.co.uk/news/politics/trans-women-banned-female-toilets-35199864> - Please view link - unable to able to access data
2. <https://apnews.com/article/1a61bea0c26c13cf34864f696a1a5f0c> - On April 16, 2025, the U.K. Supreme Court unanimously ruled that the legal definition of "woman" under the Equality Act refers to biological females, thereby excluding transgender women. This decision emerged from a dispute between the feminist group For Women Scotland and the Scottish government over a 2018 law mandating 50% female representation on public boards, which had included transgender women with gender recognition certificates in the count. The Court emphasized that the ruling does not strip transgender people of protections against discrimination under U.K. law, but certain female-designated spaces and services may lawfully exclude transgender women.
3. <https://www.ft.com/content/9f4feaeb-44ba-42d2-8187-aa3760443d53> - Following a recent UK Supreme Court ruling stating that the legal definition of "woman" is based on biological sex, Prime Minister Sir Keir Starmer publicly revised his stance on the issue. Previously, Starmer had expressed the view that "trans women are women," citing the Equalities Act. However, he now affirms that "a woman is an adult female," aligning with the court's interpretation. This marks another shift in his evolving position over recent years. The ruling has prompted the Equality and Human Rights Commission (EHRC) to draft new guidance for public institutions, while Equalities Minister Bridget Phillipson pledged to end mixed-sex hospital wards based on biological sex. She clarified that although biological sex will determine access to single-sex services, providers can still opt for inclusive services. The Supreme Court also ruled that organizations can exclude transgender individuals from single-sex spaces if it is proportionate, potentially affecting access to restrooms, changing areas, and healthcare settings. Critics, including MPs, have voiced concerns that the ruling could expose trans individuals to increased vulnerability. The EHRC plans to release updated statutory guidance by summer 2025.
4. <https://apnews.com/article/63efca6104673e6b8647a20a0705683f> - On April 19, 2025, thousands of protesters gathered in London’s Parliament Square to advocate for transgender rights following a recent UK Supreme Court ruling. The ruling declared that, for legal purposes, a woman is defined as someone born biologically female, thereby excluding transgender women from this legal definition. This decision has caused widespread concern among trans advocacy groups, who fear it could erode rights and access to spaces such as women's toilets, hospital wards, and sports teams. Despite the court affirming protections against discrimination for transgender individuals under the Equality Act, many activists regard the ruling as a dangerous setback. The government claims the decision provides clarity for service providers, but critics argue it opens the door to broader exclusionary practices. The case originated from a 2018 Scottish law requiring 50% female representation on public boards, which included transgender women with gender recognition certificates. The Supreme Court stated that recognizing such certificates for legal sex would conflict with existing statutory definitions. Scotland’s First Minister John Swinney acknowledged the emotional impact of the decision while affirming its legal standing. Protesters expressed deep concern over the future implications for transgender rights in the UK.
5. <https://time.com/7278363/what-to-know-uk-supreme-court-transgender-women-ruling/> - On April 16, 2025, the U.K. Supreme Court ruled unanimously that transgender women are not included under the legal definition of "women" in the 2010 Equality Act, interpreting "sex" to mean "biological sex" only. This decision, driven by the For Women Scotland group, limits transgender women's access to women-only spaces and services. While transgender individuals with Gender Recognition Certificates (GRCs) can still access certain legal recognitions, they are now excluded from certain sex-based protections. The ruling has been criticized by trans activists and organizations like Amnesty International, who argue it reflects and strengthens global anti-trans sentiment. Critics worry this precedent could influence U.S. legal approaches, where protections for trans people are also under threat. Notably, former U.S. President Donald Trump's administration issued policies recognizing only birth-assigned sex and restricting gender-affirming care and sports participation for trans individuals. Despite the U.K. ruling, transgender individuals still have legal protections under gender reassignment provisions of the Equality Act. U.S. advocates emphasize that federal law continues to protect transgender rights, with rulings like Bostock v. Clayton County affirming such protections under U.S. law.
6. <https://en.wikipedia.org/wiki/For_Women_Scotland_Ltd_v_The_Scottish_Ministers> - For Women Scotland Ltd v The Scottish Ministers is a UK Supreme Court decision on the definition of "man" and "woman" in the Equality Act 2010. The case was brought by For Women Scotland (FWS), a gender-critical advocacy group; in 2022, FWS requested a judicial review of statutory guidance issued by the Scottish government, which stated that the definitions of "man" and "woman" in the Equality Act 2010 included those who had acquired the gender via a transition recognized under the Gender Recognition Act 2004. FWS argued that the Equality Act's definitions referred to "biological sex" and that the matter could not be legislated by Scotland because it was reserved to the UK Parliament. The court ruled in favour of the Scottish Ministers and upheld their guidance. After their petition was declined on appeal by the Court of Session, FWS took the case to the Supreme Court. In hearing the case, the court accepted interventions from four additional parties, including the Equality and Human Rights Commission, and Amnesty International. An application for intervention by two transgender legal experts made with the support of the Good Law Project was rejected, which resulted in no trans parties being permitted to intervene. The court found in a unanimous decision that, when referring to the Equality Act 2010, the terms "man", "woman", and "sex" were "always meant" to refer to "biological sex", and not gender or gender identity. The judges did not rule more broadly on whether trans women are considered women in contexts outside of the Equality Act, and they stated that their ruling would not invalidate the Gender Recognition Act or discrimination protections offered to transgender people under the Equality Act.
7. <https://www.reuters.com/world/uk/pm-starmer-welcomes-uk-top-court-ruling-biological-sex-equality-laws-2025-04-22/> - British Prime Minister Keir Starmer welcomed a UK Supreme Court ruling that the legal definition of a woman under equality laws is based on biological sex. The April 16 decision clarified that single-sex services, such as women's refuges, hospital wards, and sports, can lawfully exclude trans women, resolving prior legal ambiguities. The ruling came after a legal challenge by the advocacy group "For Women Scotland" and has been praised by those concerned about the impact of transgender policies on the rights of biological women. However, trans rights groups criticized the verdict, warning of potential exclusion and legal setbacks for transgender individuals. The Supreme Court emphasized that trans people remain protected against discrimination under the Equality Act. Starmer, who has previously shifted his stance on defining womanhood, now supports the ruling, stating it offers crucial clarity for policy development around gender. Following the decision, public institutions like health services will need to reassess their guidelines for single-sex spaces. Equalities Minister Bridget Phillipson indicated that the Equality and Human Rights Commission will provide further guidance and a statutory code to uphold safe and appropriate access to services for all.