# Nearly 50 Scottish MSPs challenge parliament’s transgender toilet ban after Supreme Court ruling



Near 50 Members of the Scottish Parliament (MSPs) and their staff have expressed significant concern over a decision by the governing body of the Scottish Parliament to enforce a ban on transgender individuals using toilets that correspond to their gender identity. In a letter addressed to parliament officials, the signatories articulated worries regarding the interpretation of a recent Supreme Court ruling that has seemingly narrowed the use of such facilities based on biological sex and put the rights of all individuals in jeopardy.

Alison Johnstone, the presiding officer of Holyrood, announced an interim stance following the Supreme Court's ruling, stating that facilities designated as male or female would now be interpreted strictly in accordance with biological sex. This rigid approach has raised red flags among MSPs who argue that it misrepresents the court's judgement, disregarding the dignity that every individual deserves. They stress that this interpretation not only risks the rights of transgender individuals but could also cause practical chaos. Legal advice from the Good Law Project has thrown into question the validity of enforcing such distinctions, asking, “On what basis are staff expected to prove their sex to use a toilet?” This highlights potential humiliation and harassment that transgender or gender non-conforming individuals may face.

The signatories include prominent figures from various political backgrounds, including former government ministers and leaders from multiple parties. Hannah Bardell, a former SNP MP and the architect of the letter, noted the growing unease among fellow MSPs regarding the implications of this decision. She remarked, “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.” This anxiety is a reflection of a larger discomfort surrounding the treatment and representation of transgender individuals in a political atmosphere that should be inclusive.

The ruling places the Scottish Parliament in stark contrast with other legislative bodies across the UK, where policies governing the use of gendered spaces remain unchanged until further direction is provided by the Equality and Human Rights Commission (EHRC). However, reports indicate that the EHRC's updated guidance may be delayed until after summer, raising further questions about the responsiveness of authorities to evolving societal norms.

In response, the Scottish Parliament has committed to enhancing its provision of gender-neutral facilities, seemingly as a way to mask the inadequacies of their current policies while claiming to consider the privacy and dignity of all users. Official statements indicate that consultations with staff, trade unions, and equalities groups will be conducted to ensure any future adjustments follow the guidance expected from the EHRC. Yet, critics argue that merely expanding gender-neutral options fails to confront the larger issues raised by this ruling.

Amid this backdrop, a contentious debate surrounds the legal framing of 'woman.' Following the Supreme Court’s assertions regarding biological sex, concerns have escalated for transgender women, whose access to essential spaces—like toilets, hospital wards, and sports teams—now faces unnecessary scrutiny.

As discussions continue in Holyrood and beyond, the implications of this decision are likely to reverberate throughout the political landscape. The capability of MSPs and officials to navigate these sensitive issues may very well determine not just the future of policies pertaining to transgender rights but also the broad climate of inclusivity and respect in Scottish society.

Renewed advocacy for a reconsideration of these policies seems to be amassing support, as evidenced by the robust backing of the letter, demonstrating a collective desire among lawmakers to uphold the rights and dignity of all constituents. Whether this momentum can lead to a re-evaluation of current practices is uncertain, but the urgency to address these matters is more critical than ever.

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

## 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.
3. <https://apnews.com/article/21fcf89b655712351ba2696795d49ece> - An Associated Press article discusses the implications of a recent UK Supreme Court ruling that defines 'woman' for anti-discrimination purposes as someone born biologically female. This decision has sparked concerns among transgender women in Britain, as it limits their access to women-only spaces such as toilets, hospital wards, and sports teams. The ruling arose from a challenge to a Scottish law mandating 50% female representation on public boards, which included transgender women with gender recognition certificates.
4. <https://www.theguardian.com/uk-news/2025/apr/22/scottish-government-gender-recognition-law> - An article from The Guardian reports that the Scottish government has 'no plans' to reintroduce its controversial gender recognition bill following a Supreme Court ruling. Social Justice Secretary Shirley-Anne Somerville stated that Holyrood 'fully accepts' the judgment and will amend guidance accordingly. The ruling, which concluded that the legal definition of a woman in the Equality Act 2010 does not include transgender women with gender recognition certificates, has led to calls for the Scottish government to engage constructively with UK Labour on its own proposals.
5. <https://www.strathspey-herald.co.uk/news/national/scottish-government-keen-to-work-with-equalities-watchdog-after-gender-ruling-132248/> - An article from the Strathspey Herald reports that the Scottish Government is keen to work with the UK equalities regulator to ensure consistent, inclusive, and comprehensive guidance following the UK Supreme Court ruling on gender. The Equality and Human Rights Commission (EHRC) published interim guidance stating that in workplaces and services open to the public, trans women (biological men) should not be permitted to use women's facilities, and trans men (biological women) should not be permitted to use men's facilities, as this would mean they are no longer single-sex facilities.
6. <https://www.gbnews.com/politics/scotland-msp-attack-supreme-court-trans-decision> - An article from GB News reports that the Faculty of Advocates criticized Scottish Green MSP Maggie Chapman's comments condemning the Supreme Court's ruling on the definition of a woman. The Faculty described her remarks as 'appalling' and called for an apology to the Supreme Court. The Dean of the Faculty of Advocates, Roddy Dunlop KC, stated that such comments are particularly concerning coming from someone who holds the position of Deputy Convener of the Scottish Parliament's Equalities, Human Rights and Civil Justice Committee.
7. <https://www.holyrood.com/news/view%2Cscottish-parliament-changes-toilet-provision-after-supreme-court-ruling> - An article from Holyrood reports that the Scottish Parliament has made changes to its toilet facilities following the Supreme Court judgment. All male and female toilets at the site will be single-sex after the court ruled that guidance in overarching equalities law refers to biological sex. Three toilets in the public area of the building will now be designated as 'gender-neutral' to allow for use by anyone. An existing showering and changing facility and a toilet in the private section of the building will also be deemed gender-neutral from Monday 12 May.