

IN THE WESTMINSTER MAGISTRATES' COURT

R

-v-

GRAHAM LINEHAN

JOINT POSITION OF THE PARTIES

ON THE USE OF LANGUAGE

1. This trial is listed for two days on the 4th and 5th September 2025. This position statement has been provided for the assistance of the Court with matters of trial management.
2. The allegations before the Court are set against the context of the ongoing political debate about the conflict between the rights of women and the rights of those who assert transgender identities. While the decision of the Supreme Court in *For Women Scotland v The Scottish Ministers* [2025] UKSC 16 has settled the position for the purposes of the Equality Act 2010 (at least), the public debate continues. Counsel for both Prosecution and Defence expect the attendance of supporters for both Complainant and Defendant at trial.

3. The Prosecution's position is that Prosecution Counsel, Miss Faure Walker, should address the Complainant in accordance with the policy set out in the CPS Trans Equality Statement. Miss Faure Walker will address the Complainant according to the Complainant's "affirmed gender and name, using that gender and related pronouns".
4. The Defendant's position is that the Complainant is male, and that the Complainant's identification as female does not alter this fact. The Defendant's representatives will refer to the Complainant as "the Complainant" or "Ms Brooks", and with sex-based pronouns. If he gives evidence, the Defendant is likely to refer, *inter alia*, to "trans ideology", "gender ideology", and "transsexuals". He will refer to the Complainant in the masculine.
5. No party will seek to police the other's use of language. The Court will be familiar with the May 2025 edition of the Equal Treatment Bench Book, and the helpful guidance at paragraphs 17 – 20 of Chapter 12. The Court may also have regard to *Forstater v CGD Europe* [2022] ICR 1 at [104] and [118b], albeit dealing with a different context, in which the Employment Appeals Tribunal acknowledged that a person calling a transgender woman a man *could* amount unlawful harassment in some circumstances, but that possibility did not deprive the person of *the right* to do so in *any* situation.

6. Neither party wishes the use of language to disrupt proceedings. The language used is likely to cause some offence to those attending in support of both the Complainant and the Defendant. The Court is invited to make the position clear that members of the public are entitled to attend, but that audible reactions or commentary on the evidence or the language used that interrupts proceedings will not be tolerated, as with any other misbehaviour (see s. 12 Contempt of Court 1981).

Julia Faure Walker

For the Prosecution

Sarah Vine KC

For the Defendant