

IN THE HIGH COURT OF JUSTICE

Claim No CO/715/2021

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

BETWEEN:

FAIR PLAY FOR WOMEN

Claimant

-and-

UK STATISTICS AUTHORITY

Defendant

-and-

THE MINISTER FOR THE CABINET OFFICE

Interested Party



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**CONSENT ORDER**

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**BEFORE** Mr Justice Swift

**UPON** the Court having granted permission to bring this application for judicial review, granted interim relief, and set directions, in the terms of an order sealed on 11 March 2021

AND UPON the Defendant agreeing a Declaration in the terms set out below

**AND UPON** the Defendant deciding to continue to publish its Guidance, on a final basis, in terms that *“If you are considering how to answer, use the sex recorded on your birth certificate or your Gender Recognition Certificate”*

**AND UPON** the Claimant agreeing no longer to pursue its claim for judicial review in light of the matters above

**IT IS HEREBY DECLARED THAT** “sex”, in paragraph 1 of the Schedule to the Census Act 1920 (as amended by the Census (Return Particulars and Removal of Penalties) Act 2019)), paragraph 8 of Schedule 2 to the Census (England and Wales) Order 2020, and the “What is your sex” question in Schedule 2 to the Census (England) Regulations 2020 means sex as recorded on a birth certificate or Gender Recognition Certificate.

**AND IT IS HEREBY ORDERED BY CONSENT THAT:-**

1. The claim for judicial review is withdrawn.
2. The substantive hearing listed for 18 March 2021 is vacated
3. Regarding costs:
  - a. The Defendant do pay the Claimant's reasonable costs, to be subject to detailed assessment on the standard basis if not agreed.
  - b. The Defendant shall within 28 days, make a payment on account of £46,000.
  - c. In the event that the costs assessed or agreed between the parties are a lesser sum than the payment on account of costs stipulated in this order, then the balance of the overpayment shall be refunded within 28 days of the assessment/agreement

For the Claimant

*Paul Currie*

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For the Defendant

*For the Treasury Solicitor*

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For the Interested Party

*For the Treasury Solicitor*

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Dated

15 March 2021

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Approved by Swift J 16/03/2021