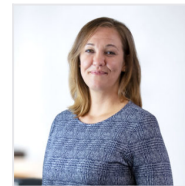




AUTHOR / KEY CONTACT

# Fifty Years of Pride in the UK



Nicole Ridgwell  
Senior Associate

✉ [nicole.ridgwell@la-law.com](mailto:nicole.ridgwell@la-law.com)  
☎ 020 7492 9834

In this 50<sup>th</sup> year of Pride in the UK, we take the opportunity to consider the history of LGBTQ+ legal rights in the UK.

History is full of references to LGBTQ+ individuals in public life in the UK. Over the centuries, societal norms have fluctuated, as have the corresponding calls for greater liberalisation and greater imposition of criminalisation against such individuals. However, we know how busy everyone is, so we are merely starting in the mid-19<sup>th</sup> century!

Apologies for anything we have missed out but here we go!

1861: Offences Against the Person Act – the death penalty is abolished for acts of sodomy; albeit it became punishable by a minimum of 10 years imprisonment.

1866: Hyde v. Hyde and Woodmansee – in a judgment in relation to matters of alleged polygamy, Lord Penzance began "Marriage as understood in Christendom is the voluntary union for life of one man and one woman, to the exclusion of all others". Whilst obit and therefore not binding, this phrase was used to in numerous cases after throughout the then Commonwealth to uphold marriage between a man and a woman being the only to be legally recognised.

1885: Criminal Law Amendments Act 1885 (commonly known as the Blackmailer's Charter) – any male homosexual act is made illegal.

1889: Scotland abolished the death penalty for male homosexual acts; converting the punishment to life imprisonment.

1895: Oscar Wilde is famously imprisoned for 'gross indecency', under the Criminal Law Amendments Act 1885.

1921: the proposed Criminal Law Amendment Bill 1921 was debated in Parliament; among the amendments proposed, MPs considered whether female homosexual acts should be made illegal. Both the House of Commons and House of Lords rejected the proposal, concerned that this may advertise and promote the acts

themselves.

1954: the criminal prosecution of Lord Montagu of Beaulieu, arrested and convicted for 'gross indecency', reflected an vastly increasing number of prosecutions of men for homosexual activity since the Second World War. There was concern that the more frequent and sometimes high-profile prosecutions were leading to members of the civil service being blackmailed by the USSR into providing state secrets. The Departmental Committee on Homosexual Offences and Prostitution was set up the same year to consider the current laws.

1957: After 62 meetings over three years, the Report of the Departmental Committee on Homosexual Offences and Prostitution (commonly known as the Wolfenden Report) concluded that 'homosexual behaviour between consenting adults in private should no longer be considered a criminal offence'.

1967: Sexual Offences Act 1967 – implemented the recommendations of the Wolfenden Report; partially legalising homosexual acts in the UK for men over the age of 21 years old, where the acts were conducted in private.

Whilst Wolfenden considered that the recommendations within the Report were proportionate, other members of the Committee were less enthusiastic. Committee member James Adair from Scotland announced that the legalisation would have 'serious effects on the whole moral fabric of social life'. His opposition was highly influential in Scotland excluding itself from the legislative changes which followed from the Wolfenden Report. Scotland would subsequently introduce the same protections in 1980.

1982: The Homosexual Offences (Northern Ireland) Order 1982 decriminalised homosexual acts between two men over 21 years of age in private in Northern Ireland.

1986: Mark Rees, a trans-man, brought a case to the European Court of Human Rights, arguing that UK law prevented him from gaining legal status as male. The case was unsuccessful but the court noted the seriousness of issues facing trans people.

1988: Section 28 of the Local Government Act 1988 banned the promotion of homosexuality, including in schools and through council educational materials and projects.

1994: Conservative MP Edwina Currie introduced an amendments to lower the age of consent for male homosexual acts from 21 to 16 years old, to reflect that of heterosexual acts. The vote was defeated. The age of consent was then lowered to the age of 18 for male homosexual acts.

2000: the European Court of Human Rights rules that it was unlawful to ban homosexual men and women from the armed forces. The Labour Government responded by confirming that this would no longer be policy; however it was not formally repealed until the Armed Forces Act 2016.

2003: Section 28 of the Local Government Act 1988 was repealed.

2004: the Civil Partnership Act 2002 – allowed same-sex couples to enter into legally binding partnerships.

2005: the Gender Recognition Act 2004 allowed trans people to acquire a new birth certificate.

2005: The first civil partnership took place at 11am on 5 December 2005.

2007: The Equality Act (Sexual Orientation) Regulations becomes law on 30 April making discrimination against lesbians and gay men in the provision of goods and services illegal.

2008: The Human Fertilisation and Embryology Act 2008 equalises treatment of lesbian parents and their children to equal access to legal presumption of parentage.

2010: The Equality Act 2010 – joined many pieces of existing legislation and added protection for trans people, providing LGBTQ+ people with protections from workplace discrimination, harassment and victimisation.

2013: The Marriage (Same-Sex Couples) Act 2013 – providing same-sex couple in England and Wales the opportunity to enter into legally recognised marriages.

2013: The Queen grants Alan Turing a posthumous pardon.

2014: The Marriage and Civil Partnership (Scotland) Act 2014, incorporated the right to marry into Scottish law.

2017: In April 2017, a private Member's Bill was drafted by Conservative MP, John Glen, for the Merchant Shipping (Homosexual Conduct) Act 2017. The act repealed parts of the Criminal Justice and Public Order Act 1994 that allowed homosexual acts to be grounds for dismissal from the crew of merchant ships, and was in effect swiftly after Royal Assent.

2020: Northern Ireland (Executive Formation etc) Act 2019 incorporated the right to marry into the legislation of Northern Ireland.

2021: In the 2021 Queen's Speech, the Queen announced that a ban on conversion therapy would be brought forward by Parliament.

2022: The Government announced that the pardons scheme, established in 2017 (commonly known as 'Turing's Law'), would be expanded to include all convictions under no-longer criminalised acts related to homosexual activity.