LGBT Rights in English Law: a Brief History

***We end the month in reflection and anticipation of what advancements the future holds because history is never fully complete.***

***Happy LGBT History Month!***

# 

**1395**

Transgender sex worker John or “Eleanor” Rykener was arrested for cross-dressing in Cheapside.

**1533**

**The Buggery Act 1533**

Passed by King Henry VIII and Parliament, the Buggery Act makes any male sexual acts a crime punishable by death. The charge of Attempted Buggery carried a maximum sentence of 2 ½ years, mostly spent in the pillory.

The Buggery Act would go through stages of repeal and reinforcement for almost 300 years until it was officially replaced by the Offences Against the Persons Act 1828.

**1835**

**The Last Executions for the Offence of Buggery**

James Pratt and John Smith were the last two men to be executed under the Buggery Act on 27November 1835. In 1861, the death penalty for Buggery was abolished.

**1866**

**Hyde v Hyde**

The House of Lords determines that Marriage is defined as being between a man and a woman. This case would serve as a legal roadblock for Court’s debating same-sex marriage for over 200 years.

**1885**

**Criminal Law Amendment Act 1885**

Section 11 of The Criminal Law Amendment Act 1885, also known as the Labouchere Amendment, that made it possible to prosecute homosexuals for prohibited gross indecency. Therefore, buggery or attempted no longer had to be proven.

**1921**

The House of Commons successfully amended the Criminal Law Amendments Act to include sexual acts between women as “gross indecency,” however it failed to pass in the House of Lords. Homosexual acts between women have never been criminalised in the United Kingdom.

**1956**

**The Sexual Offences Act 1956**

The Sexual Offences Act 1956 introduces the crime of sexual assault between women. The Act was amended by the Sexual Offences Act 1985 and repealed by the Sexual Offences Act 2003.

**1967**

**The Sexual Offences Act 1967**

The Sexual Offences Act 1967 decriminalised sexual acts performed in private by consenting males over the age of 21 years old. The Act was amended by the Sexual Offences Act 2003.

**1970**

***Corbett v Corbett***

A divorce case where the Claimant sought to be relieved of maintenance payments, by having his marriage annulled on the grounds that his wife was a transgender woman. The Court decided in favour of the Claimant and ruled that it was impossible to change sex and that a person’s gender is to be determined by their official birth certificate.

**1994**

***R v Brown***

The House of Lords determines that consent is not a defence to battery in a case involving a group of homosexual males engaging in sadomasochist activities. The ruling while in law has been considered sound, the policy considerations regarding prosecution and conviction have been questioned.

**1996**

***P v S and Cornwall County Council***

The complaint was fired after announcing to her employer that she was undergoing gender reassignment surgery. The Employment Tribunal found that she was dismissed due to her gender reassignment but required clarification from the European Court of Justice on whether discrimination extended to transgender persons. The Court held that protection from sexual discrimination applied to transgendered persons and that the firing had been discriminatory based on the complaint’s sex.

**2001**

**Sexual Offences (Amendment) Act 2000**

Reduced the ages of consent for homosexual relationships to 16 years old, and decriminalised homosexual group sex.

**2003**

***Wilkinson v Kitzinger***

A claimant sought a declaration that her same sex marriage, which took place in Canada, would be recognised in the United Kingdom. The Courts denied the petition and held that marriage was not legal in the United Kingdom and that the only available option was a civil partnership.

**2004**

**The Civil Partnership Act 2004**

Established Civil partnerships in England and Wales for same-sex couples as a legal alternative to marriage.

**The Gender Recognition Act 2004**

Provided transgender people to change their legal gender on their birth certificates.

**2006**

***Grant v The United Kingdom***

Reduced the ages of consent for homosexual relationships to 16 years old, and decriminalised homosexual group sex.

**2008**

**Human Fertilisation and Embryology Act 2008**

The Act not only acted as landmark legislation for the regulation of embryology, but also provided parental recognition to lesbian couples in civil partnerships.

**2014**

**Sexual Offences (Amendment) Act of 2000**

Reduced the ages of consent for homosexual relationships to 16 years old, and decriminalised homosexual group sex.

**Marriage (Same-Sex Couples) Act 2013**

Legalised same-sex marriage in England and Wales.

**2018**

***Lee (Respondent) v Ashers Baking Company***

The Supreme Court held that a North Ireland Bakery that refused to make a cake in honour of the International Day of Homophobia did not discriminate. Baroness Hale held, “ The bakers could not refuse to supply their goods to Mr Lee because he was a gay man or supported gay marriage, but that is quite different from obliging them to supply a cake iced with a message with which they profoundly disagreed."

