



## Care Under the Rainbow

# LGBT+ Legal & Historical Timeline

### Ancient Attitudes

Ancient attitudes towards sex and gender have been different and varied throughout history. Some religions have viewed sex as being only for procreation. The 19th Century saw the invention of heterosexuality and homosexuality.

### 19th Century - Criminalisation of Male Homosexuality

The last two men to be executed for homosexual acts were James Pratt and John Smith on 27 November 1835. In 1861 the Offences Against the Person Act abolished the death penalty for homosexual acts. In 1885 'Gross Indecency', defined as 'any sexual activity between males', became a crime under the Criminal Law Amendment Act. In 1895 Oscar Wilde, the famous poet and playwright, was sentenced to two years hard labour for gross indecency.

### 1921 - Criminalisation of Lesbianism

In 1921 gross indecency was set to be extended to sexual acts between women. The Houses of Parliament rejected this on the grounds most women were not aware of lesbianism and the Act may have actively encouraged women to explore their sexuality.

### 1957 - Wolfenden Report

In 1957 the Wolfenden Report was published after a succession of high profile convictions for gross indecency. The report called for the partial decriminalisation of male homosexuality.

<https://www.parliament.uk/about/living-heritage/transformingsociety/private-lives/relationships/collections1/sexual-offences-act-1967/wolfenden-report/>

## 1967 - Decriminalisation of Male Homosexuality

Male homosexuality was decriminalised in England and Wales in 1967, under the Sexual Offences Act. This Act led to the partial decriminalisation of sex between men. This was followed by decriminalisation of homosexuality in Scotland in 1980 and in Northern Ireland in 1982. The age of consent in England and Wales remained 21 years for gay men until 1994, and 18 years until 2000 when it was made equal, with heterosexuals and lesbians, at age 16 years.

[http://www.legislation.gov.uk/ukpga/1967/60/pdfs/ukpga\\_19670060\\_en.pdf](http://www.legislation.gov.uk/ukpga/1967/60/pdfs/ukpga_19670060_en.pdf)

## 1988 - Section 28 of the Local Government Act

Section 28 of the Local Government Act 1988 was on the statute in England and Wales between 1989 and 2003. The Act was used to stop the intentional promotion of homosexuality, as a “pretend family relationship”, and to prevent discussion of homosexuality in schools. The Act was repealed in England and Wales in 2003. It was repealed in Scotland in 2000. Section 28 was never entered on the statute in Northern Ireland.

<https://lgbthistorymonth.org.uk/wp-content/uploads/2014/05/1384014531S28Background.pdf>

## 1992 - Homosexuality Declassified as Mental Illness

Homosexuality was declassified as a mental illness by the World Health Organisation (WHO) in 1992.

<https://www.psychologytoday.com/gb/blog/hide-and-seek/201509/when-homosexuality-stopped-being-mental-disorder>

## 2000 - Military Ban Lifted

In the year 2000 the ban on openly Gay and Lesbian military personnel serving in the armed services was lifted. The ban led to many cases of imprisonment in military prisons up to the year 2000.

[https://en.wikipedia.org/wiki/Sexual\\_orientation\\_and\\_the\\_military\\_of\\_the\\_United\\_Kingdom](https://en.wikipedia.org/wiki/Sexual_orientation_and_the_military_of_the_United_Kingdom)

## 2002 - Adoption and Children Act

The Adoption and Children Act 2002 allowed Gay and Lesbian single people, as well as same-sex couples, to adopt a child in the UK. Before this, neither same-sex couples nor unmarried heterosexual couples could adopt or foster children.

<https://www.stonewall.org.uk/help-advice/parenting-rights/adoption-and-fostering>

## 2003 - Sexual Orientation Regulations

The Sexual Orientation Regulations 2003 prohibited employers from discriminating against employees on the grounds of their sexual orientation. The Regulations have now been superseded by the Equality Act 2010.

Case law, in relation to sexual orientation, has included Bull v. Hall the case of hotel owners who refused a same-sex couple in a Civil Partnership a double room.

<https://www.scesolicitors.co.uk/news/sexual-orientation-discrimination-case-law-examples>

## 2003 - Criminal Justice Act

Stirring up hatred on grounds of sexual orientation is a crime under UK law since the Criminal Justice Act 2003 was extended to include sexual orientation along with other categories including racial and religious hatred. Judges can use the Criminal Justice Act to impose tougher sentencing on the perpetrators of hate crime.

<https://www.cps.gov.uk/legal-guidance/sexual-orientation-cps-guidance-stirring-hatred-grounds-sexual-orientation>

## 2004 - Gender Recognition Act

The Gender Recognition Act 2004 enables people with gender dysphoria to change their legal gender. Transgender people can change their legal gender under the Gender Recognition Act 2004 by applying for a Gender Recognition Certificate and obtain a new birth certificate.

[https://en.wikipedia.org/wiki/Gender\\_Recognition\\_Act\\_2004](https://en.wikipedia.org/wiki/Gender_Recognition_Act_2004)

## 2004 - Civil Partnerships Act

The Civil Partnerships Act extended the same rights as married couples to same-sex couples in 2005.

<http://www.legislation.gov.uk/ukpga/2004/33/contents>

## 2010 - Equality Act

The Equality Act 2010 protects a range of Protected Characteristics from discrimination, harassment and victimisation including: age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

<https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

## 2013 - Marriage (Same Sex Couples) Act

In 2013 the Marriage (Same Sex Couples) Act extended marriage to same sex couples.

<http://www.legislation.gov.uk/ukpga/2013/30/contents/enacted>

## 2017 - Alan Turing Law

In 2017 the Policing and Crime Act pardoned all historic instances of criminal convictions of gross indecency against men. This has become known as the 'Alan Turing Law'. The Act applies to convictions in England and Wales.

[https://en.wikipedia.org/wiki/Alan\\_Turing\\_law](https://en.wikipedia.org/wiki/Alan_Turing_law)

## 2018 - Transgender Declassified as Mental Illness

The World Health Organisation (WHO) declassified trans as a mental illness.

<https://edition.cnn.com/2018/06/20/health/transgender-people-no-longer-considered-mentally-ill-trnd/index.html>

## International

It is currently estimated there are 72 countries where homosexuality is illegal and 5 countries where homosexuality carries a death sentence. These include: Iran, Sudan, Saudi Arabia and Yemen, where homosexuality is punishable by death, under sharia law. The same applies in parts of Somalia and Northern Nigeria. In two other countries – Syria and Iraq – the death penalty is carried out by non-state actors, including the Islamic State.

[https://ilga.org/downloads/2017/ILGA\\_WorldMap\\_ENGLISH\\_Overview\\_2017.pdf](https://ilga.org/downloads/2017/ILGA_WorldMap_ENGLISH_Overview_2017.pdf)

## Further Reading

For a comprehensive timeline, and overview of LGBT+ law reform, visit the British Library website <https://www.bl.uk/lgbtq-histories/lgbtq-timeline>

This resource is produced in collaboration between the School for Policy Studies, University of Bristol and Diversity Trust, March 2019.

For more information and resources, please visit [www.diversitytrust.org.uk/careunderrainbow](http://www.diversitytrust.org.uk/careunderrainbow).