

## SCECLB211 Individual

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Senedd Cymru | Welsh Parliament

Y Pwyllgor Biliau Diwygio | Reform Bill Committee

Bil Senedd Cymru (Rhestrau Ymgeiswyr Etholiadol) | Senedd Cymru (Electoral Candidate Lists) Bill

Ymateb gan Unigolyn | Evidence from Individual

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### **What are your views on the general principles of the Bill and the need for legislation to deliver the Welsh Government's stated policy objective (to make the Senedd a more effective legislature by ensuring it is broadly representative of the gender make-up of the population)?**

In accordance with the Equality Act, representation should be sex, not gender. Policies that promote women should be based on sex, not gender. Gender is NOT a protected characteristic. Using gender rather than sex will leave the Senedd open to a legal challenge as has happened in Scotland on a similar policy.

The Senedd would do well to take heed of the recent ruling in Scotland - women MUST mean adult human females. At present ONLY males with a GRC can be considered female for this purpose but this ruling is being challenged by For Women Scotland.

### **What are your views on the system of enforcement and potential sanctions for non-compliance proposed in the Bill?**

What is the point of the policy if anyone can declare themselves a woman and no checks are made? Self ID is NOT law in the UK. Woman as defined in the Equality Act 2010 means female. Males identifying as women taking places meant for females would be open to legal challenge.

### **Are there any potential barriers to the implementation of the Bill's provisions? If so, what are they, and are they adequately taken into account in the Bill and the accompanying Explanatory Memorandum and Regulatory Impact Assessment?**

Yes. The recent ruling in Scotland means that any attempt to bring in a policy based on 'gender' rather than sex would be open to a legal challenge. The courts made it clear that policies designed to increase female representation are subject to EA2010

and should be based on sex, which IS a protected characteristic and not gender which is NOT a protected characteristic.

### **Are any unintended consequences likely to arise from the Bill?**

That depends on whether you see males taking spaces designated for women as 'unintended'.

Does the Senedd believe that if it was made up of 50% men and 50% transwomen, this would be equal representation for women?

### **What are your views on the Welsh Government's assessment of the financial and other impacts of the Bill?**

### **What are your views on the balance between the information contained on the face of the Bill and what is left to subordinate legislation? Are the powers for Welsh Ministers to make subordinate legislation appropriate?**

Welsh Ministers cannot make policies which directly contravene EA2010. Scotland's Government have found this out to their cost. There is now a legal ruling that 'woman' does not include self ID transwomen. Scottish Government have had to redraft their policy. Don't make the same mistake.

### **Do you have any views on matters relating to the legislative competence of the Senedd including compatibility with the European Convention on Human Rights?**

If you ignore EA2010 you will be challenged legally. If you ignore the recent legal decision in Scotland then you will be challenged legally. Self ID is NOT the law in the UK and Wales does not have the right to override this.

### **Do you have any views on matters related to the quality of the legislation, or to the constitutional or other implications of the Bill?**

Self ID is not law in the UK.

The Senedd does not have the right to institute legislation which contravenes EA2010.

That you are considering proceeding with this given the result of the legal challenge in Scotland is astonishing.

**Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?**

**Anything else?**