

## SCECLB250 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)?**

Both excellent

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

Good

**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?**

The research summary in the Memorandum is excellent but needs more clarity on the current legal position with respect to trans women.

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

Confusing and probably strife with respect to trans women - who could be included/who couldn't in practice.

As you will obviously know the Equality Act protection on gender reassignment currently extends only to people who have 'proposed, stated or completed a process to change your sex'.

The EqA guidance gives an example: 'You inform your employer that you intend to spend the rest of your life living as the opposite sex. If your employer alters your role against your wishes to avoid you having contact with clients, this would be direct gender reassignment discrimination.'

Trans people who are gender fluid, non-binary, would not consistently be trans women and therefore would be outside this current legal definition on direct gender reassignment discrimination.

It doesn't help when the words sex (biology) and gender (social constructs/stereotypes) are conflated/used interchangeably.

**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?**

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

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

See previous answer on potential risks lack of legal clarity on trans women

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

As in previous answers lack of legal clarity on trans women - who could be included/who couldn't.

**Anything else?**