

## SCECLB260 Una-Jane Winfield

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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 Una-Jane Winfield | Evidence from Una-Jane Winfield

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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)?**

The current method of electing members of the Senedd has produced a very reasonable result: 26 women (43%) and 34 men (57%) were elected. If it ain't broke don't fix it!

In your proposed Bill you have used the word "gender" throughout. This is NOT the relevant Protected Characteristic. That PC is sex; it is NOT "gender". Unless the proposals of this Bill are re-written couched in the language of SEX, everything is corrupted. Back to the drawing board, please!

PS: the same applies to section 19 of the Explanatory Memorandum. This is such a linguistic mess!

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

The proposal that "candidates would be required to make a statement about whether they are a woman or not a woman" is an invitation to bad actors and trans-identifying men. The Senedd must not allow "gender self-ID" by the back door!

This clause must be dropped.

(1) Each candidate should be asked to supply their birth certificate with their nomination. A birth certificate normally shows Sex at birth, but this can be falsified to the opposite sex by a "Gender Recognition Certificate". If there is any doubt about their current "legal sex", the candidate should be asked to supply details of (a) their name and (b) Sex when they were in primary school. A school photo should help.

(2) The number of men and women currently members of the Senedd is 26 women (43%) and 34 men (57%). Don't change the current system which works well.

## **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?**

There is a challenge to the competency of the Senedd to propose this Bill from the Presiding Officer.

The Rt Hon Elin Jones MS (the Llywydd / Senedd Presiding Officer) has questioned the legislative competency of the Welsh Government to pass any bill on this issue, saying:

"In my view, the provisions of the Senedd Cymru (Electoral Candidate Lists) Bill, introduced on 11 March 2024, would not be within the legislative competence of the Senedd because the Bill: (a) relates to the reserved matters of equal opportunities, and (b) modifies the law on reserved matters, namely the Equality Act 2010".

The Senedd Officers proposing this Bill would also be well advised to look at recent legal challenges about sex and "gender" in the Scottish Parliament. This Bill is likely to be challenged and struck down in the Supreme Court of the UK.

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

This Bill could introduce "gender Self-ID" by the back door because of the "self-certification provision". NO. Just NO.

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

The Equality Impact Assessment for the Bill is lamentable. See the following analysis <https://www.womensrights.network/post/sexism-in-the-senedd> and in particular:

"To progress, the Bill must be amended to define who would qualify as a woman for the purposes of these closed lists. (Yes, I know that is an insane statement). It must clarify if the women on these lists will include only female people, or whether men who are "legally women" by virtue of possessing a GRC may also be included.

Case law is not yet fixed as to the extent that a GRC makes a man into a woman for legal purposes (I know, I know ... ) but the Haldane ruling made it clear that no man is legally a woman without a GRC. For Women Scotland are appealing the ruling too, which could mean that "biological women" (who we knew until recently as "women") will be the only type of women for equality purposes. (This is so painful, isn't it?)

Without a GRC (and perhaps after the For Women Scotland appeal, even with one) to include men in these closed lists in place of women may well contravene the Equality Act which has this to say about short lists:

These arrangements can include single-sex shortlists for election candidates, but not shortlists restricted to people with other protected characteristics."

This is immensely complex and totally unnecessary. Leave the election process as it is.

Like so much in this area, the law has yet to be tested. But it's likely that the inclusion of men with the protected characteristic of gender reassignment (without a GRC) would fail this test.

**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?**

Just don't go there. Drop this unnecessary, divisive, Trojan horse Bill ("Gender self-ID by the back door").

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

I have already answered this in my answer to question 10.

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

This Bill is a constitutional nightmare. Drop it!

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

Please read the whole of the Women's Rights Network analysis:  
<https://www.womensrights.network/post/sexism-in-the-senedd>

If it ain't broke don't fix it.

**Anything else?**