

## SCECLB419 Sue Lent

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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 Sue Lent | Evidence from Sue Lent

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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)?**

I support the general principle of making the Senedd as representative as possible of both sexes but believe there is a difference between sex and gender and that "sex" as defined in the Equality Act is what is important here.

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

I do not believe this kind of "self identification" should be introduced. Sex is immutable, observed at birth and recorded on individuals' birth certificates.

Candidates should be truthful and submit their sex as recorded on their birth certificate.

If someone has obtained a Gender Recognition Certificate recording a different gender to their actual sex this should not make them eligible to use this as a way of benefiting from the positive measures designed to obtain balance between females and males.

**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?**

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

As drafted, the Bill risks perpetuating the current existing confusion in Wales between sex and gender.

It is important to recognise that the Equality Act is clear on the protected characteristic of sex not gender but Welsh Government continually lists gender and hardly ever mentions sex in, for instance, its policy guidance to schools.

### **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?**

There is confusion both in the Explanatory Memorandum and in the Integrated Impact Assessment between sex and gender.

This means that the proposed Bill is not compliant with the Equality Act 2010.

In my opinion the Bill as currently drafted lies outside the legislature competence of the Senedd.

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

Please see previous answer.

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

I am concerned that the terms sex and gender are used interchangeably as if they are the same thing.

This could lead to men identifying as women being allowed to take places intended to be reserved for women.

### **Anything else?**

Poorly drafted legislation could damage the Senedd's reputation in a similar way to what has happened in Scotland.

The Bill should be redrafted using the term sex throughout. Failure to do this could result in legal challenge.