

Equalities, Human Rights and Civil Justice Committee  
Tuesday 10 December 2024  
28th Meeting, 2024 (Session 6)

## Post-legislative scrutiny and the non-implementation of specific Acts of the Scottish Parliament

### Introduction

1. On 5 November 2024, as part of its work programme discussion, the Committee agreed to undertake some post-legislative scrutiny and, in particular, to explore the impact of the delay of the implementation of all or some provisions within the following three Acts:
  - [Female Genital Mutilation \(Protection and Guidance\) \(Scotland\) Act 2020](#)
  - [The Children \(Scotland\) Act 2020](#)
  - [Domestic Abuse Protection \(Scotland\) Act 2021](#)

### Written evidence

2. The Committee agreed it would be helpful to receive insights regarding the delay to implementation of these three Acts and, on 8 November 2024, [wrote to key stakeholders](#) who had provided evidence to the relevant parliamentary committee during the passage of one or more of the Acts through the Parliament in Session 5.
3. The Committee received responses from:
  - [Shared Parenting Scotland \(14 November 2024\)](#)
  - [Scottish Women's Aid \(2 December 2024\)](#)
  - [Women's Support Project \(3 December 2024\)](#)
  - [Children First \(3 December 2024\)](#)
  - [Police Scotland \(3 December 2024\)](#)
  - [Law Society of Scotland \(3 December 2024\)](#)
  - [Scottish Women's Rights Centre \(3 December 2024\)](#)
  - [Children and Young People's Commissioner Scotland \(4 December 2024\)](#)
  - [Joint letter from Children First and Scottish Women's Aid \(4 December 2024\)](#)

4. The stakeholders who responded often chose to comment only on specific pieces of legislation as it applied to them.

### Evidence session

5. At today's meeting, the Committee will hear evidence from Jamie Hepburn, Minister for Parliamentary Business. The Minister will be supported by:

- Jeff Gibbons, Criminal Justice Division, Scottish Government
- Simon Stockwell, Family Law Unit, Scottish Government, and
- Nel Whiting, Violence Against Women and Girls Unit, Scottish Government.

## **Format**

6. The evidence session will be held in person and broadcast on [Scottish Parliament TV](#).

## **Topics**

7. This session will provide an opportunity for the Committee to explore issues including:
  - The factors behind the delay in implementation of provisions of the respective Acts
  - Multi-agency guidance on female genital mutilation (FGM) and publication of guidance on FGM Protection Orders
  - The impact of delays on women and girls who are at risk of FGM
  - As it applies to the Children (Scotland) Act 2020, any changes to current practice which could be achieved even without implementation of the relevant provision and an update on anticipated subordinate legislation in relation to the regulation of child contact centres
  - Any potential legislative amendments which might apply to Part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021 and any challenges this might present in progressing civil remedies for domestic abuse.

## **Next steps**

8. The Committee will consider the evidence it has heard at today's session in private and agree on next steps.

**Clerks to the Committee  
December 2024**