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Convener
Equalities, Human Rights and Civil Justice
Committee
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Dear Convener

Update - Non-implementation of Acts of the Scottish Parliament

Thank you for your correspondence of 27 May 2025 in relation to an update on progress on Part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021, in advance of the evidence session next week.

Within the recent letter of 11 March from the Cabinet Secretary for Justice and Home Affairs and the Minister for Housing, it was outlined that a workshop was planned for later that month, involving members of the existing Implementation Advisory Board, to help make progress in this area. The purpose of the workshop was to:

- attempt to agree an approach which would allow commencement of the legislation without legislative change, recognising that this may require flexibility around which parts of the Act can be commenced immediately and what may require further consideration, the need to develop detailed guidance that can adapt to lessons learnt from the use of the new powers; and to provide a clear assessment around anticipated costs; or
- determine by consensus that without legislative change the provisions within the Act cannot be implemented effectively and, through my officials, for advice to be provided to me on options on potential next steps.

I am able to confirm that the workshop took place on 26 March 2025 and that the key areas of focus identified by attendees mirrored that of previous discussions, with an emphasis on cost, timeframes, liability, taking the evidence of a child and the ability to pilot the model in its current form (which is currently absent from the Act).

Several operational challenges were also consistently identified by justice partners and stakeholders, and the consensus from those who participated in the workshop was overwhelmingly of the view that fundamental changes were needed to the legislation to ensure that the policy aims of a domestic abuse protection order could be realised in a sustainable way. There were also serious concerns raised by

attendees about implementing the current legislation without those changes being made.

The Committee will be aware that we remain committed to the policy intentions of the Domestic Abuse (Protection) (Scotland) Act 2021. However, it is right that we listen to stakeholders and, following feedback from partners within the workshop, we have determined that a short life working group will be established to consider recommendations for possible legislative change to ensure that domestic abuse protection orders can be implemented operationally and sustainably.

Once determined and agreed, we will look to consult more widely in 2026 and thereafter consider the need for legislation.

In addition, and in the interim, we will work with stakeholders to look at the opportunity to use existing powers, under both civil and criminal regimes, more proactively.

I hope this update has been of assistance.

I am copying to Jamie Hepburn MSP, Minister for Parliamentary Business and to all those who attended the workshop in March.

Yours sincerely,

SIOBHIAN BROWN