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11 March 2025

Dear Convener

NON-IMPLEMENTATION OF ACTS OF THE SCOTTISH PARLIAMENT

Thank you for your letter of 25 February 2025 addressed to Jamie Hepburn MSP, Minister for Parliamentary Business, concerning the Committee's concerns about the non-implementation of Acts of the Scottish Parliament. We are replying as the responsibility in relation to Part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021 lies with the Cabinet Secretary for Justice and Home Affairs, and the Minister for Housing has responsibility for Part 2 of the Act.

Part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021

During the evidence session in December, my official outlined some of the challenges that remained around implementation of this part of the Act, many of which were referenced in the written evidence the Committee received from Police Scotland and Scottish Women's Aid. It was also outlined that while we could not be definitive around timescales, I was to receive further advice on how we might look to move matters forward.

That advice was received and has led to the establishment of a workshop planned in late March involving members of the Implementation Advisory Board originally established to help make progress in this area. I have set attendees at the Workshop two clear and unambiguous aims, namely:

- 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

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from the use of the new powers; and to provide a clear assessment around anticipated costs; or

- To 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 was looking to provide an update to the Committee once that process had concluded but I recognise the desire for more detail now, and in advance of the planned evidence session in June where I will look to provide more detail.

Part 2 of the Domestic Abuse (Protection) (Scotland) Act 2021

Following the evidence session in December last year, work is progressing well with implementation of Part 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 which will provide additional powers to social landlords to apply to the court to end the tenancy rights of persons who have been abusive to their partner or ex-partner. We are aiming to bring Part 2 of the Act into force in December 2025.

Work is on track to share draft statutory guidance and information about the secondary legislation required for implementation with key stakeholders in spring this year with a view to laying this legislation in summer and publishing the guidance as soon as possible thereafter. Work is on track for bringing the secondary legislation into force in December 2025. Court rules will however also need to be updated and this might affect the timetable.

A further update will be provided in advance of the planned evidence session in June. I trust this information provides reassurance on progress towards implementation of Part 2 of the Act in the meantime.

I am copying to Jamie Hepburn MSP, Minister for Parliamentary Business.

Yours sincerely,

ANGELA CONSTANCE

PAUL MCLELLAN

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