

T: 0300 244 4000
E: scottish.ministers@gov.scot

Karen Adam MSP
Convener
Equalities, Human Rights and Civil Justice
Committee
The Scottish Parliament
Edinburgh EH99 1SP

26 September 2025

Dear Convener

NON-IMPLEMENTATION OF LEGISLATION

Thank you for your letter of 30 July 2025 outlining that the Equalities, Human Rights and Civil Justice Committee would welcome quarterly updates on progress made in laying Regulations to give effect to provisions in the Children (Scotland) Act and legislative changes required to implement provisions in the Domestic Abuse (Protection) (Scotland) Act 2021 and the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020.

I have attached a template that records progress on these areas since the Committee evidence session, and which includes a section in relation to funding which I note you highlighted in your letter.

I hope this information is of assistance to the Committee. We will look to provide a further update before the end of the year.

Yours sincerely,

SIOBHIAN BROWN

KAUKAB STEWART

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

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Equalities, Human Rights And Civil Justice Committee Update - Non-implementation of legislation (September 2025)

LEGISLATION	Provisions to be implemented	Update on progress to implement	Funding arrangements	Key milestone (s)
Children (Scotland) Act 2020	<p>A number of provisions in the Children (Scotland) Act 2020 have already been brought into force. The commencement regulations made so far are:</p> <p>The Children (Scotland) Act 2020 (Commencement No. 3 and Saving Provision) Regulations 2025</p> <p>The Children (Scotland) Act 2020 (Commencement No. 2) Regulations 2021</p> <p>The Children (Scotland) Act 2020 (Commencement No. 1</p>	<p>SSIs to introduce the regulation of child contact centre services were laid before Parliament on 23 September 2025.</p> <p>The Scottish Government has established a working group on child welfare reporters on what work needs to be done to implement the register of reporters under the 2020 Act: Child Welfare Reporter Working Group - gov.scot</p> <p>The Scottish Government is working on the next set of regulations to</p>	<p>The Scottish Government estimates that implementing the 2020 Act in full will cost around £15 million per annum.</p>	<p>Parliamentary consideration of the SSIs that have just been laid on the regulation of child contact centre services. These SSIs are subject to the affirmative procedure.</p>

	and Saving Provisions) Regulations 2020 Work continues on implementing remaining provisions in the Act.	commence further provisions of the 2020 Act.		
Domestic Abuse (Protection) (Scotland) Act 2021 – Part 1		<p>As previously outlined, a short life working group has been convened to look at what legislative changes may be required to enable progress with the aims of introducing domestic abuse protection notices/orders.</p> <p>That Group met for the first time on 11 September and will meet on a regular basis going forward.</p> <p>Membership of the group includes Justice partners, local government</p>	<p>As part of the work to look at the existing legislative framework and what changes may be required and why, consideration throughout will include a focus on cost and sustainability.</p>	<p>Group to meet regularly until the end of the year, Advice to be provided to Minister's in early 2026.</p>

		representatives, and service providers.		
Domestic Abuse (Protection) (Scotland) Act 2021 – Part 2	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.	<p>Work to implement Part 2 of the 2021 Act is now well-advanced.</p> <p>Police Scotland have however raised some concerns about the powers available to them to share information about domestic abuse related incidents and offences with social landlords which are essential to the operation of these measures. We are continuing to work with colleagues to identify how best to resolve these issues.</p> <p>We have worked closely with the Scottish Courts and Tribunal Service on the development of appropriate court rules and changes to court</p>		<p>Scottish Civil Justice Council expected to approve court rules for Part 2 in late October 2025.</p> <p>Secondary legislation expected to be laid and statutory guidance expected to be published in December 2025, subject to resolution of information sharing related issues with Police Scotland.</p>

		<p>forms for Part 2 and these are expected to be sent to the Scottish Civil Justice Council for final approval shortly.</p> <p>We continue to prioritise laying the secondary legislation and publishing the statutory guidance as soon as possible and are aiming to do this in December 2025, although the need to resolve the issues raised by Police Scotland may affect the timetable.</p>		
Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020	All provisions within the Act to be implemented	Work to implement falls into three main development areas: court rules, statutory guidance and training and awareness raising.	Funding for the Implementation of the Act has been previously budgeted for.	We have shared a first draft of the statutory guidance with our Statutory Guidance Working Group for feedback.

		<p>Officials have been continuing to engage with various justice partners to work together to ensure that there is effective implementation of the Act within both criminal and civil courts. Officials are preparing court rules proposal papers for both the Scottish Civil Justice Council and Criminal Courts Rules Council.</p> <p>The Statutory Guidance Working Group, established for the implementation, brings together representatives from key sectors, including operational partners, to help shape and develop the statutory guidance, training and wider support materials.</p>		<p>The next meeting of the Group will be in early October.</p>
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		<p>Officials have created the first draft statutory guidance in preparation for its review by our working group and specialist organisations.</p> <p>Officials have continued to engage with the Addressing Violence Against Minority Ethnic Women and Girls. Within the most recent meeting, in September, an agenda item and discussion was focused on effective communication with communities in terms of awareness raising of FGM. Awareness raising work will be shaped by the guidance and court rules, and as such, the main release of the awareness raising materials will likely take place on completion of implementation.</p>		
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