Minutes of the Wales Committee Call on Thursday,

8 September 2022

**By weblink**

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## Present

Eryl Besse (*Chair*)

Martyn Jones

Alison Parken

Mark Sykes

## In attendance

Marcial Boo (*CEO)*

Ruth Coombs *(Head of Wales)*

Pranali Dhumal (*Senior Associate – Governance, Communications and Stakeholder Management*)

Kishwer Falkner *(Chair of the Board)*

Melanie Field *(Chief Strategy and Policy Officer)*

Alasdair MacDonald *(Director, Policy and Human Rights Monitoring)*

Luke Taylor (*Director, Strategy and Evidence*)

Graham Wheaton (Senior *Associate, Corporate Governance*) as an observer

## Absence and apologies received from the Committee Members

Geraint Hopkins did not attend the meeting.

Apologies for absence were received from Bethan Thomas.

## Welcome and declarations of interest

1. The Chair welcomed all attendees to the Wales Committee call which was held online.
2. The Chair noted that there were no new declarations of interest.

## Cross-border implications of the Gender Recognition Act Reforms in Scotland

1. The Chair asked the Chief Strategy and Policy Officer to present the paper to the Committee. The Chief Strategy and Policy Officer updated members about the current status of the Bill in the Scottish Parliament and invited the Committee to discuss the implications of the Bill for Wales.
2. The Chair asked members to provide their advice on this paper to the Board.
3. The Committee members discussed the paper and their feedback is summarised below:-
4. They noted the cross-border implications of the Gender Recognition Act (GRA) Reforms set out in the paper. They articulated the need to advise the Welsh Government (WG) on the cross-border implications of GRA Reforms, particularly as the WG is committed to seeking the powers to devolve the GRA.
5. While supporting the paper, they also suggested the Commission should address the wider social implications of sex and gender and seek to clarify the effect of potentially conflicting legislation.
6. They recognised that there is an overlap between the GRA reforms and the WG’s commitments to the principles of the United Nations Convention on the Rights of the Child (UNCRC). Under the UNCRC a child means every human being below the age of 18 years, while GRA reforms in Scotland propose to lower the age for applying for a GRC from 18 to 16 years. They questioned whether there was a need for consent from parents/carers of 16- and 17-year-olds.
7. They advised that the paper is silent about spousal consent to obtain a GRC and how this may be affected by the proposed reforms.
8. They advised that the “ordinarily resident” clause could mean that Welsh people temporarily residing in Scotland who obtain a Scottish GRC may, if the UK Government doesn’t recognise Scottish GRCs, experience cross-border challenges to their gender recognition when returning to Wales,.

**Action A: The Chair to communicate the Committee’s advice to the Board at its meeting on 14 September.**

## The UK Government’s Bill on the Bill of Rights

1. The Chair asked the Director, Policy and Human Rights Monitoring to update members about the status of this Bill. He reported that the Second Reading, scheduled for 12 September, has now been put on hold by the new Conservative administration.
2. He further updated members that the Commission will continue to engage with any new proposals on Human Rights Act reform and will take any appropriate action as necessary.
3. Members requested that the Director, Policy and Human Rights Monitoring bear in mind in future work the implications for the devolved nations.

## Any other business

1. The Head of Wales reminded members to respond to the Corporate Governance Team (CGT) with their availability for the October meeting.

**Action B : CGT to collate responses from members and discuss the most suitable dates for the meeting in October with the Chair and the Head of Wales, and update members accordingly.**

## Close

With no other business being raised, the Chair thanked members and officers for their contributions and closed the meeting.