Draft Regulations laid before the Scottish Parliament under section 210(2) and (6) of the Equality Act 2010 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

EQUALITY

The Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2021

Made - - - -	*2021*
Coming into force - -	*23rd December 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 153(3) and 207(4) of the Equality Act 2010(**a**) and all other powers enabling them to do so.

In accordance with section 153(4) of that Act, the Scottish Ministers have consulted the Commission for Equality and Human Rights.

In accordance with section 210(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2021 and come into force on 23 December 2021.

Amendment of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

2.—(1) The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012(**b**) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2, in the definition of "listed authority", for "or 2C(1)" substitute ", 2C(1) or 2D(1)".

(3) In regulation 2A(1), for "regulations 2B(1), 2C(1)" substitute "regulations 2B(1), 2C(1) and 2D(1)".

(4) In regulation 2B(1), for "regulations 2A(1), 2C(1)" substitute "regulations 2A(1), 2C(1) and 2D(1)".

(5) In regulation 2C(1), for "regulations 2A(1) and 2B(1)" substitute "regulations 2A(1), 2B(1) and 2D(1)".

(**a**) 2010 c. 15 ("the 2010 Act"). Section 153(3) enables the Scottish Ministers to make Regulations imposing duties on a public authority specified in Part 3 of schedule 19 of the 2010 Act. South of Scotland Enterprise was added to Part 3 of that schedule by S.S.I. 2021/XXX.

(**b**) S.S.I. 2012/162; relevant amending instruments are S.S.I. 2015/254, S.S.I. 2016/159, S.S.I. 2018/220 and S.S.I. 2020/403.

(6) After regulation 2C insert—

"Further listed authority: South of Scotland Enterprise

2D.—(1) South of Scotland Enterprise is, in addition to the public authorities listed in regulations 2A(1), 2B(1) and 2C(1) and in the schedule, a listed authority.

(2) These Regulations apply to South of Scotland Enterprise subject to the modifications set out in paragraphs (3) and (4).

(3) In regulation 3(a), "2013" is to be read as if it were "2022".

(4) In regulation 4—

(a) in paragraph (1)(a), "2013" is to be read as if it were "2022"; and

(b) in paragraph (4)(a), "2015" is to be read as if it were "2024".".

(7) In regulation 8A—

(a) after paragraph (1)(e) insert—

"(f) 30th April 2022 in the case of South of Scotland Enterprise.", and

(b) after paragraph (4)(eb) insert—

"(ec) in relation to publication by South of Scotland Enterprise, the period from 1st May 2020 to 30th April 2022.".

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 ("the 2012 Regulations").

Regulation 2 adds South of Scotland Enterprise to the list of public authorities in the 2012 Regulations. Regulation 2 also modifies the 2012 Regulations in their application to South of Scotland Enterprise so as to provide different dates by which certain duties have to be complied with, and amends regulation 8A of the 2012 Regulations to provide different dates by which publication of gender pay gap information and statements on equal pay is to take place by South of Scotland Enterprise under regulations 7(1) and 8(1) of the 2012 Regulations. Regulation 2 also adds a further category of "relevant period" for the purposes of regulation 8A(3) of the 2012 Regulations.

An Equality Impact Assessment has been prepared and is available online at www.legislation.gov.uk.

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£4.90

http://www.legislation.gov.uk/id/sdsi/2021/9780111051580

ISBN 978-0-11-105158-0

