POLICY NOTE

THE EQUALITY ACT 2010 (SPECIFIC DUTIES) (SCOTLAND) AMENDMENT REGULATIONS 2021

SSI 2021/473

The above instrument is proposed to be made in exercise of the powers conferred by sections 153(3) and 207(4) of the Equality Act 2010 ("the 2010 Act"). The instrument is subject to affirmative procedure.

Summary Box

The purpose of the instrument is to apply the Scottish specific equalities duties, as set out in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, to South of Scotland Enterprise ("SOSE").

1. Policy Objectives

The South of Scotland Enterprise Act 2019 ("the 2019 Act") established SOSE and sets out its strategic aims – namely, to further the economic and social development, and improve the amenity and environment, of the south of Scotland.

The purpose of this instrument is to list SOSE in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 ("the 2012 Regulations"), making SOSE subject to the equalities duties in the 2012 Regulations. These duties include: assessing the impact of new or revised policies or practices on the needs set out in the public sector equality duty; publishing equality outcomes and reporting on progress on meeting those outcomes; reporting on mainstreaming equality; publishing information on the gender pay gap and equal pay; gathering employee information in relation to protected characteristics and using this information to better perform the public sector equality duty; and taking account of the public sector equality duty in the context of procurement.

This instrument also makes provision for the time periods within which certain duties must be complied with.

Consultation

In accordance with the requirement under section 153(4) of the 2010 Act, the Commission for Equality and Human Rights was consulted and is content with the proposal to list SOSE in the 2012 Regulations.

Stakeholders are also aware of the proposed listing and are supportive.

Impact Assessments

An equality impact assessment (EQIA) was undertaken in relation to the South of Scotland Enterprise Bill ("the Bill") which preceded the 2019 Act. That EQIA was carried out in November 2018 and is published here: https://www.gov.scot/publications/south-scotland-enterprise-bill-equality-impact-assessment/

That EQIA made reference to the intention for SOSE to be made subject to the specific equalities duties in the 2012 Regulations. This instrument therefore seeks to achieve that policy objective. As the proposals in this instrument are primarily consequential in nature to the 2019 Act, it was considered that only a refresher of the previous EQIA was required for this instrument, published here: https://www.legislation.gov.uk/

A Child Rights and Wellbeing Impact Assessment was not considered required for this instrument however one was carried out in the development of the Bill and is available here: https://www.gov.scot/publications/south-scotland-enterprise-bill-child-rights-wellbeing-impact-assessment/.

A Fairer Scotland Duty Assessment was not considered required for this instrument. SOSE was added to the Fairer Scotland Duty by the Scottish National Investment Bank p.l.c. and South of Scotland Enterprise (Miscellaneous Listings) Regulations 2020.

An Island Communities Impact Assessment was not required for this instrument, as the instrument is not considered likely to have an effect on an island community which is significantly different from its effect on other communities.

A Strategic Environmental Assessment was not required for this instrument as the instrument is not considered to have any significant environmental effects.

Financial Effects
The Cabinet Secretary for Finance and Economy confirms that no Business and Regulatory Impact Assessment (BRIA) is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government

September 2021