POLICY NOTE

THE EQUALITY ACT 2010 (SPECIFIC DUTIES) (SCOTLAND) AMENDMENT REGULATIONS 2025

SSI 2025/369

The above instrument is made in exercise of the powers conferred by sections 153(3), 155(1)(c) and (2), and 207(4) of the Equality Act 2010. The instrument is subject to **affirmative procedure**.

Summary Box

The purpose of this instrument is to make Zero Waste Scotland Limited (ZWS) listed authorities for the purpose of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.
Listed authorities have specific duties which are designed to help them better perform the public sectory equality duty under section 149 of the Equality Act 2010 ("the 2010 Act").

Policy Objectives

This instrument amends the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 to include Zero Waste Scotland Limited (ZWS) as a listed authority subject to the specific duties under those Regulations.

The specificduties are designed to support listed authorities in meeting the public sector equality duty under section 149 of the 2010 Act. These duties include:

• To report progress on integrating the equality duty into ZWS' other work;
• To publish equality outcomes which ZWS has decided to work on in particular and report on progress made to achieve those outcomes;
• To assess and review policies and practices against the needs which form the equality Duty;
• To gather and use employee information;
• To publish gender pay gap information;
• To publish statements on equal pay and occupational segregation;
• To consider whether award criteria and conditions in relation to public procurement should include consideration of whether a bid will help ZWS better perform the equality duty;
• To publish these statements and reports in an accessible manner;
• To consider other matters which the Scottish Ministers may further specify.

This follows ZWS's reclassification as a non-departmental public body (NDPB) in October 2024 and ensures ZWS is held to the same standards and obligations as other public bodies, reinforcing its commitment to equality and transparency in delivering Scotland's Circular Economy strategy.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, The Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

- This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU, as it does not relate to areas formerly within EU competence.

Consultation

- No public consultation was undertaken due to the administrative nature of the amendment. Internal engagement was carried out with relevant stakeholders, including legal and policy colleagues.

Impact Assessments

- A Child Rights and Wellbeing Impact Assessment has been prepared as required by the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. No other impact assessments were considered necessary due to the nature of the proposal.

Financial Effects

- The Cabinet Secretary for Climate Action and Energy confirms that no Business and Regulatory Impact Assessment (BRIA) is required, as the instrument has no financial effects on the Scottish Government, local government, or business.

Scottish Government
Environment & Forestry Directorate

8 September 2025