POLICY NOTE

THE EQUALITY ACT 2010 (SPECIFICATION OF PUBLIC AUTHORITIES) (SCOTLAND) ORDER 2025

SSI 2025/368

This instrument is made in exercise of the powers conferred by section 151(3) of the Equality Act 2010 ("the 2010 Act"). The instrument is subject to **affirmative procedure**.

Summary box

The purpose of this instrument is to formally designate Zero Waste Scotland Limited (ZWS) as a Scottish public authority for the purposes of the 2010 Act by adding ZWS to the list of Scottish public authorities in Part 3 of schedule 19 of that Act. .

The designation will ensure ZWS is covered by the public sector equality duty under section 149 of the 2010 Act. This duty requires public authorities to consider how their policies and practices affect people with protected characteristics, helping to eliminate discrimination and promote equality. The order is a technical but important step in aligning ZWS's legal responsibilities with its status as non-departmental public body (NDPB).

Policy Objectives

The public sector equality duty requires listed authorities to have due regard to:

- Eliminating discrimination, harassment, and victimisation and any other conduct that is prohibited by or under the 2010 Act;
- Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not;
- Fostering good relations between people who share a protected characteristic and those who do not.

The amendment follows ZWS's transition to a **non-departmental public body (NDPB)** in October 2024 and ensures it is subject to the same statutory equality obligations as other public bodies in Scotland

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