

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

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

EQUALITY

**The Equality Act 2010 (Specific Duties)
(Scotland) Amendment Regulations 2015**

<i>Made</i>	- - - -	<i>2015</i>
<i>Coming into force</i>	- -	<i>2015</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 153(3), 155(1)(c) and (2) and 207(4) of the Equality Act 2010⁽¹⁾ 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 2015 and come into force on the day after the day on which they are made.

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

2. The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012⁽²⁾ are amended as follows.

Regulation 2

3. In the definition of “listed authority” in regulation 2 (interpretation), after “listed in” insert “regulation 2A(1) of or”.

(1) 2010 c.15; Part 3 of Schedule 19 to the Equality Act 2010 makes provision relevant to the exercise of these powers and was relevantly amended by S.S.I. 2012/55 and S.S.I. 2015/83.
(2) S.S.I. 2012/162.

New regulation 2A

4. After regulation 2, insert—

“Further listed authorities

2A.—(1) The following public authorities are, in addition to those listed in the Schedule, listed authorities—

- (a) Children’s Hearings Scotland;
- (b) Food Standards Scotland;
- (c) Historic Environment Scotland;
- (d) an integration joint board established by order under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014⁽³⁾;
- (e) a regional board (within the meaning of section 35(1) of the Further and Higher Education (Scotland) Act 2005⁽⁴⁾);
- (f) Revenue Scotland.

(2) These Regulations apply to the authorities listed in sub-paragraphs (a), (b) and (d) to (f) of paragraph (1) subject to the modifications set out in paragraphs (3) to (6).

(3) In regulation 3(a), for “2013” substitute “2016”.

(4) In regulation 4—

- (a) in paragraph (1)(a), for “2013” substitute “2016”; and
- (b) in paragraph (4)(a), for “2015” substitute “2018”.

(5) In regulation 7—

- (a) in paragraph (2)(a), for “2013” substitute “2016”; and
- (b) in paragraph (4), for “these Regulations” substitute “the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015”.

(6) In regulation 8—

- (a) in paragraph (1)(a), for “2013” substitute “2016”; and
- (b) in paragraph (4), for “these Regulations” substitute “the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015”.

(7) These Regulations apply to Historic Environment Scotland subject to—

- (a) the modifications set out in paragraphs (5)(b) and (6)(b) above; and
- (b) the modifications that—
 - (i) in each of regulations 3(a), 4(1)(a), 7(2)(a) and 8(1)(a), “2017” is to be substituted for “2013”; and
 - (ii) in regulation 4(4)(a), “2019” is to be substituted for “2015”.

Schedule

5.—(1) The amendment in paragraph (2) applies to the entries in the Schedule under the heading “Other educational bodies” which begin—

- (a) “The board of management”; and

⁽³⁾ 2014 asp 9.

⁽⁴⁾ 2005 asp 6; section 35(1) was relevantly amended by the Post-16 Education (Scotland) Act 2013 (asp 12), schedule, paragraph 8(23)(a)(iv).

(b) “The governing body”.

(2) For “fundable body (within the meaning of section 6(2))”, substitute “post-16 education body (within the meaning of section 35(1))”.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (“the 2012 Regulations”) by adding to the list of public authorities covered by those Regulations certain newly or recently created public authorities. The authorities added are listed at paragraph (1) of the new regulation 2A being inserted in the 2012 Regulations by regulation 4 of these Regulations. The 2012 Regulations are also modified in their application to the new authorities so as to provide different dates by which certain duties have to be complied with.

In addition, regulation 5 of these Regulations makes minor amendments to two of the entries in the Schedule to the 2012 Regulations.