

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

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2022 No.**

**EQUALITY**

**The Equality Act 2010 (Specific Duties)  
(Scotland) Amendment Regulations 2022**

*Made* - - - - 2022  
*Coming into force* - - 4th May 2022

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<sup>(1)</sup> 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 2022 and come into force on 4 May 2022.

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

2.—(1) The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012<sup>(2)</sup> are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2, in the definition of “listed authority”, for “or 2D(1)” substitute “, 2D(1) or 2E(1)”.

(3) In regulations 2A(1), 2B(1) and 2C(1), for “and 2D(1)” substitute “, 2D(1) and 2E(1)”.

(4) In regulation 2D(1), for “and 2C(1)” substitute “, 2C(1) and 2E(1)”.

(5) After regulation 2D insert—

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(1) [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, which includes office-holders in the Scottish Administration. Environmental Standards Scotland was made part of the Scottish Administration by [S.I. 2021/760](#).

(2) [S.S.I. 2012/162](#); relevant amending instruments are [S.S.I. 2015/254](#), [S.S.I. 2016/159](#), [S.S.I. 218/220](#), [S.S.I. 2020/403](#) and [S.S.I. 2021/473](#).

**“Further listed authority: Environmental Standards Scotland**

**2.E.**—(1) Environmental Standards Scotland is, in addition to the public authorities listed in regulations 2A(1), 2B(1), 2C(1) and 2D(1) and in the schedule, a listed authority.

(2) These Regulations apply to Environmental Standards Scotland 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 “2023”.

(4) In regulation 4—

(a) in paragraph (1)(a), “2013” is to be read as if it were “2023”; and

(b) in paragraph (4)(a), “2015” is to be read as if it were “2025”.

(6) In regulation 8A—

(a) after paragraph (1)(f) insert—

“(g) 30th April 2023 in the case of Environmental Standards Scotland”, and

(b) after paragraph (4)(ec) insert—

“(ed) in relation to publication by Environmental Standards Scotland, the period from 1st October 2021 to 30th April 2023;”.

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 make amendments to the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (“the 2012 Regulations”).

Regulation 2 adds Environmental Standards Scotland (“ESS”) as a “listed authority” for the purposes of the 2012 Regulations. Regulation 2 also modifies the 2012 Regulations in their application to ESS so as to provide different dates by which the duties in regulations 3,4(1) and 4(4) of the 2012 Regulations 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 ESS 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.