



# Gender Representation on Public Boards (Scotland) Act 2018

2018 asp 4

## **3 Duty when appointing non-executive members**

- (1) Subsection (2) applies where there is—
  - (a) a vacancy in a position of non-executive member of a public board,
  - (b) more than one candidate for the position,
  - (c) at least one candidate who is a woman, and
  - (d) at least one candidate who is not a woman.
- (2) The appointing person must, in making the appointment to fill the vacancy, act in accordance with section 4 with a view to achieving (or making progress towards achieving) the gender representation objective immediately after the appointment takes effect.
- (3) When an appointing person is making more than one appointment—
  - (a) both or all of those appointments must be taken into account in identifying the number of non-executive members, and
  - (b) the appointing person must act with a view to achieving (or making progress towards achieving) the gender representation objective immediately after all of those appointments have taken effect.