



# Gender Representation on Public Boards (Scotland) Act 2018

2018 asp 4

## **4 Consideration of candidates**

- (1) The appointing person must determine whether any particular candidate is best qualified for the appointment.
- (2) If no particular candidate is best qualified for the appointment, the appointing person must identify candidates it considers are equally qualified.
- (3) Subject to subsection (4), the appointing person must give preference to a candidate identified under subsection (2) who is a woman if appointing that candidate will result in the board achieving (or making progress towards achieving) the gender representation objective.
- (4) The appointing person—
  - (a) must consider whether the appointment of a candidate identified under subsection (2) who is not a woman is justified on the basis of a characteristic or situation particular to that candidate, and
  - (b) if so, may give preference to that candidate.
- (5) In subsection (4), “characteristic” includes a protected characteristic (within the meaning of section 4 of the Equality Act 2010).