

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

2024 No.

EQUALITY

**The Equality Act 2010 (Specific Duties) (Scotland) Amendment
Regulations 2024**

Made - - - -

Coming into force - -

1st July 2024

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(a) 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 2024 and come into force on 1 July 2024.

Amendments to the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

2.—(1) The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012(b) are amended in accordance with paragraphs (2) to (7).

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

(3) In regulations 2A(1), 2B(1), 2C(1) and 2D(1) (further listed authorities) for “and 2E(1)” substitute “, 2E(1), 2F(1) and 2G(1)”.

(a) 2010 c. 15. 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. Community Justice Scotland and the Patient Safety Commissioner were added to Part 3 of schedule 19 of the 2010 Act by S.S.I.[]. Section 155(2) was relevantly amended by S.I. 2020/1319.

(b) S.S.I. 2012/162 as relevantly amended by S.S.I. 2015/254, S.S.I. 2016/159, S.S.I. 2018/220, S.S.I. 2020/403, S.S.I. 2021/473 and S.S.I. 2022/151.

(4) In regulation 2E(1) (further listed authority: Environmental Standards Scotland), for “and 2D(1)” substitute “, 2D(1), 2F(1) and 2G(1)”.

(5) After regulation 2E insert—

“Further listed authority: Community Justice Scotland

2F—(1) Community Justice Scotland(a) is, in addition to the public authorities listed in regulations 2A(1), 2B(1), 2C(1), 2D(1), 2E(1) and 2G(1) and in the schedule, a listed authority.

(2) These Regulations apply to Community Justice 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 “2025”.

(4) In regulation 4—

(a) in paragraph (1)(a), “2013” is to be read as if it were “2025”,

(b) in paragraph (4)(a), “2015” is to be read as if it were “2027”.

Further listed authority: Patient Safety Commissioner for Scotland

2G—(1) The Patient Safety Commissioner for Scotland(b) is, in addition to the public authorities listed in regulations 2A(1), 2B(1), 2C(1), 2D(1), 2E(1) and 2F(1) and in the schedule, a listed authority.

(2) These Regulations apply to the Patient Safety Commissioner for Scotland subject to the modifications set out in paragraphs (3) and (4).

(3) In regulation 3(a), “30th April 2013” is to be read as if it were “30th November 2025”.

(4) In regulation 4—

(a) in paragraph (1)(a) “30th April 2013” is to be read as if it were “30th November 2025”,

(b) in paragraph (4)(a) “30th April 2015” is to be read as if it were “30th November 2027”.

(6) In regulation 8A (publication under regulations 7 and 8)—

(a) after paragraph (1)(g) insert—

“(h) 30th April 2025 in the case of Community Justice Scotland;

(i) 30th April 2027 in the case of the Patient Safety Commissioner for Scotland.”,

(b) after paragraph (4)(ed) insert—

“(ee) in relation to publication by Community Justice Scotland, the period from 1st October 2023 to 30th April 2025;

(ef) in relation to publication by the Patient Safety Commissioner for Scotland, the period from 1st November 2024 to 30th April 2027;”.

(7) In the schedule (list of public authorities) under the heading “Other bodies and offices”, omit—

(a) “A chief officer of a community justice authority.”,

(a) Community Justice Scotland was established by section 3 of the Community Justice (Scotland) Act 2016 (asp 10).

(b) The Patient Safety Commissioner for Scotland was established by section 1 of the Patient Safety Commissioner for Scotland Act 2023 (asp 6).

(b) “A community justice authority.”.

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 principal Regulations”).

Regulation 2:

- adds Community Justice Scotland and the Patient Safety Commissioner for Scotland as listed authorities for the purposes of the principal Regulations,
- modifies the principal Regulations in their application to those newly listed authorities, so as to provide different dates by which each authority must comply with the duties in regulations 3, 4(1) and 4(4) of the principal Regulations,
- amends regulation 8A(1) of the principal Regulations to provide different dates by which each of the newly listed authorities must publish gender pay gap information and statements on equal pay etc. under regulations 7(1) and 8(1) of the principal Regulations,
- amends regulation 8A(4) of the principal Regulations to define the “relevant period” which is applicable to the newly listed authorities for the purposes of regulation 8A(3) (which provides that a listed authority is not required to publish the information if it did not have 20 or more employees at any time during the relevant period), and
- removes, from the schedule of the principal Regulations, the entries for community justice authorities and the chief officer of a community justice authority (those authorities having been dissolved by section 36(1) of the Community Justice (Scotland) Act 2016).

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£5.78

<http://www.legislation.gov.uk/id/sdsi/2024/9780111059876>

ISBN 978-0-11-105987-6



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