

POLICY NOTE

THE SCOTTISH NATIONAL INVESTMENT BANK P.L.C. (MISCELLANEOUS LISTINGS) ORDER 2020

SSI 2020/401

The above instrument was made in exercise of the powers conferred by sections 44(3) and 96(2) of the Climate Change (Scotland) Act 2009(), and sections 151(3) and 207(4) of the Equality Act 2010.

The instrument is subject to affirmative procedure.

Summary Box

The above instrument has been made to apply several public bodies duties to the Scottish National Investment Bank p.l.c.

The duties to be applied are the climate change reporting duties, as set out in the Climate Change (Duties of Public Bodies: Reporting Requirements)(Scotland) Order 2015, and the public sector equality duty, as set out in the Equality Act 2010.

Policy Objectives

The Scottish National Investment Bank Act 2020, provides that the Scottish Ministers are required to establish the Scottish National Investment Bank (“the Bank”). The Bank is to be established as a public limited company, with the Scottish Ministers as its only member.

The purpose of this instrument is to list the Bank in:

- Schedule 1 of the Climate Change (Duties of Public Bodies: Reporting Requirements)(Scotland) Order 2015 (the “2015 Order”).
- Part 3 of schedule 19 of the Equality Act 2010 (the “2010 Act”).

Listing the Bank in the above legislation will meet the following policy objectives:

- **The 2015 Order** – listing the Bank in schedule 1 of the 2015 Order will add the Bank to the list of Scottish public authorities required to comply with the climate change duties set out in that Order.
- **The 2010 Act** – listing the Bank in Part 3 of schedule 19 of the 2010 Act will add the Bank to the list of Scottish public authorities required to comply with the public sector equality duty.

Consultation

In accordance with section 152(3) of the 2010 Act the Scottish Ministers have consulted the Commission for Equality and Human Rights in regard to making the Bank subject to the public sector equality duty, and the Commission is supportive of this approach. Wider stakeholders have also been made aware of the intention to make the Bank subject to the public sector equality duty, including through an equality impact assessment published in

relation to the Scottish National Investment Bank Bill in September 2019, and are also supportive.

Impact Assessments

An Equality Impact Assessment (EQIA) was not required as the instrument in itself is not considered to have any equalities impacts. An EQIA was carried out in relation to the Scottish National Investment Bank Bill and published in September 2019. It is available here: <https://www.gov.scot/publications/scottish-national-investment-bank-bill-revised-equality-impact-assessment/>. That built upon and revised an EQIA that was previously published in February 2019 and which is available here: <https://www.gov.scot/publications/scottish-national-investment-bank-bill-equality-impact-assessment/>.

A Child Rights and Wellbeing Impact Assessment was not required as the instrument in itself is not considered to have any impact upon children or young people. An assessment was carried out in the development of the Bill and is available at: <https://www.gov.scot/publications/scottish-national-investment-bank-child-rights-wellbeing-impact-assessment/>.

A Fairer Scotland Duty Assessment was not required for this instrument as the instrument in itself is not considered to have an impact on inequalities of outcome caused by socio-economic disadvantage. An assessment was carried out in the development of the Bill and is available at: <https://www.gov.scot/publications/scottish-national-investment-bank-fairer-scotland-duty-assessment/>.

An Island Communities Impact Assessment was not required for this instrument, as the instrument is not considered likely to have an effect on an island community which is significantly different from its effect on other communities.

A Data Protection Impact Assessment was not required for this instrument as the instrument is not considered to have any impact on the collecting or processing of personal data.

A Strategic Environmental Assessment was not required for this instrument as the instrument in itself is not considered to have any significant environmental effects.

Financial Effects

The Cabinet Secretary for Economy, Fair Work and Culture confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Scottish National Investment Bank Directorate

October 2020