



# Scotland Act 2016

## 2016 CHAPTER 11

### PART 4

#### OTHER LEGISLATIVE COMPETENCE

#### **38 Public sector duty regarding socio-economic inequalities**

- (1) Part 1 of the Equality Act 2010 (socio-economic inequalities) is amended as follows.
- (2) Section 1 (public sector duty) is amended as follows.
- (3) In subsection (2) for “by a Minister of the Crown” substitute “ in accordance with subsection (2A) ”.
- (4) After subsection (2) insert—

“(2A) The guidance to be taken into account under subsection (2) is—

  - (a) in the case of a duty imposed on an authority in relation to devolved Scottish functions, guidance issued by the Scottish Ministers;
  - (b) in any other case, guidance issued by a Minister of the Crown.”
- (5) Section 2 (power to amend section 1) is amended as follows.
- (6) In subsections (7) and (9) omit “the Scottish Ministers or”.
- (7) In subsection (10) for “the Ministers” substitute “ the Welsh Ministers ”.
- (8) In subsection (11) for “section” substitute “ Part ”.
- (9) In section 216 of that Act (commencement) at the beginning of subsection (3) insert “ Subject to subsection (4), ” and after that subsection insert—

“(4) The following provisions of Part 1 (socio-economic inequalities) come into force on such day as the Scottish Ministers may by order appoint—

  - (a) section 1, so far as it applies to a relevant authority as defined by section 2(5);
  - (b) section 2, so far as it confers a power on the Scottish Ministers;

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**Changes to legislation:** Scotland Act 2016, Section 38 is up to date with all changes known to be in force on or before 16 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (c) section 3, for the purposes of section 1 to the extent mentioned in paragraph (a).
- (5) The following do not apply to an order under subsection (4)—
  - (a) section 207(2) (see instead section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010: powers exercisable by Scottish statutory instrument), and
  - (b) section 210.”
- (10) In the Interpretation and Legislative Reform (Scotland) Act 2010, in section 30(4) (other instruments laid before the Parliament: exceptions) after paragraph (i) insert—
  - “(j) section 216(4) of the Equality Act 2010 (c.15).”

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#### **Commencement Information**

**II** [S. 38](#) in force at 23.5.2016, see [s. 72\(7\)](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/455, reg. 3 by [S.I. 2019/1438 reg. 2](#)