



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 31 March 2022  
SP Paper 151  
4th Report, 2022 (Session 6)

## **Equalities, Human Rights and Civil Justice Committee**

# **The Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2022 [draft]**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

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# Equalities, Human Rights and Civil Justice Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.
- c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans.

## 2. In these Rules

(a) “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions; and

(b) “human rights” includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.



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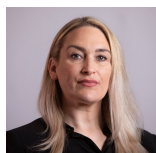
# Committee Membership



**Convener**  
**Joe FitzPatrick**  
Scottish National Party



**Deputy Convener**  
**Maggie Chapman**  
Scottish Green Party



**Karen Adam**  
Scottish National Party



**Pam Duncan-Glancy**  
Scottish Labour



**Pam Gosal**  
Scottish Conservative  
and Unionist Party



**Fulton MacGregor**  
Scottish National Party



**Alexander Stewart**  
Scottish Conservative  
and Unionist Party

# Introduction

1. At its meeting on 29 March 2022, the Equalities, Human Rights and Civil Justice Committee considered the following instrument:
  - [The Equality Act 2010 \(Specific Duties\) \(Scotland\) Amendment Regulations 2022 \[draft\]](#)
2. The instrument is subject to the affirmative procedure (Rule 10.6).

# **The Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2022 [draft]**

3. The draft SSI was laid before the Scottish Parliament on 21 February 2022 and referred to the Equalities, Human Rights and Civil Justice Committee.
4. The purpose of this instrument is to apply the Scottish specific equalities duties, as set out in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (as amended), to Environmental Standards Scotland (“ESS”).
5. The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (“the 2021 Act”) established ESS and sets out its functions and powers – namely, to monitor public authorities’ compliance with environmental law and the effectiveness of environmental law and of how it is implemented and applied.
6. The purpose of this instrument is to list ESS in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (as amended) (“the 2012 Regulations”), making ESS subject to the equalities duties in the 2012 Regulations. These duties include:
  - assessing the impact of new or revised policies or practices on the needs set out in the public sector equality duty;
  - publishing equality outcomes and reporting on progress on meeting those outcomes;
  - reporting on mainstreaming equality;
  - publishing information on the gender pay gap and equal pay;
  - gathering employee information in relation to protected characteristics and using this information to better perform the public sector equality duty; and
  - taking account of the public sector equality duty in the context of procurement.
7. This instrument also makes provision for the time periods within which certain duties must be complied with.

# Delegated Powers and Law Reform Committee consideration

8. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on [1 March 2022](#). The DPLR Committee agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.



# Equalities, Human Rights and Civil Justice Committee consideration

9. It is for the Equalities, Human Rights and Civil Justice Committee to recommend to the Parliament whether the instrument should be approved.
10. The Cabinet Secretary for Net Zero, Energy and Transport ("the Cabinet Secretary"), Michael Matheson MSP, has, by motion [S6M-03277](#) proposed that the Committee recommends the approval of the instrument.
11. The Committee took evidence from the Cabinet Secretary at its meeting on 29 March 2022.
12. Following the evidence session, the Cabinet Secretary moved motion S6M-03277—That the Equalities, Human Rights and Civil Justice Committee recommends that The Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2022 [draft] be approved.
13. The motion was agreed to without division or dissent.
14. The Equalities, Human Rights and Civil Justice Committee recommends to the Scottish Parliament that The Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2022 [draft] be approved.

