



Scotland Act 2016

2016 CHAPTER 11

PART 4

OTHER LEGISLATIVE COMPETENCE

37 Equal opportunities

- (1) Section L2 in Part 2 of Schedule 5 to the Scotland Act 1998 (equal opportunities) is amended as follows.
- (2) Omit the words from “, including the subject-matter of” to “1995”.
- (3) Under the heading “Exceptions”, at the end insert—

“Equal opportunities so far as relating to the inclusion of persons with protected characteristics in non-executive posts on boards of Scottish public authorities with mixed functions or no reserved functions.

Equal opportunities in relation to the Scottish functions of any Scottish public authority or cross-border public authority, other than any function that relates to the inclusion of persons in non-executive posts on boards of Scottish public authorities with mixed functions or no reserved functions. The provision falling within this exception does not include any modification of the Equality Act 2010, or of any subordinate legislation made under that Act, but does include—

- (a) provision that supplements or is otherwise additional to provision made by that Act;
 - (b) in particular, provision imposing a requirement to take action that that Act does not prohibit;
 - (c) provision that reproduces or applies an enactment contained in that Act, with or without modification, without affecting the enactment as it applies for the purposes of that Act.”
- (4) Under the heading “Interpretation”, at the appropriate places insert—

““Board” includes any other equivalent management body.”

Changes to legislation: Scotland Act 2016, Section 37 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

““Non-executive post” in relation to an authority means any position the holder of which is not an employee of the authority.”

““Protected characteristic” has the same meaning as in the Equality Act 2010.”

- (5) Under that heading, at the end insert— “ The references to the Equality Act 2010 and any subordinate legislation made under that Act are to be read as references to those enactments, as at the day on which section 37 of the Scotland Act 2016 comes into force, but treating any provision of them that is not yet in force on that day as if it were in force. ”
- (6) The Equality Act 2010 is amended as follows.
- (7) In section 152(3) (power to specify public authorities: consultation and consent), for the words after “must” substitute “ consult the Commission, and after making such an order they must inform a Minister of the Crown. ”
- (8) In the table in section 154(3) (power to impose specific duties: cross-border authorities) in the second column for the words “The Scottish Ministers must consult a Minister of the Crown before” in both places substitute “ The Scottish Ministers must inform a Minister of the Crown after ”.

Commencement Information

II S. 37 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](#)