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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 120**

**EQUALITY  
PUBLIC BODIES**

**The Gender Representation on Public Boards  
(Scotland) Act 2018 (Reports) Regulations 2020**

<i>Made</i>	- - - -	<i>1st April 2020</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>3rd April 2020</i>
<i>Coming into force</i>	- -	<i>29th May 2020</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 8 and 12(1) of the Gender Representation on Public Boards (Scotland) Act 2018<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Gender Representation on Public Boards (Scotland) Act 2018 (Reports) Regulations 2020 and come into force on 29 May 2020.

(2) In these Regulations—

“the Act” means the Gender Representation on Public Boards (Scotland) Act 2018, and

“relevant authority” means a public authority listed, or described, in the first column of the table in schedule 1 of the Act, for which the Scottish Ministers are the appointing person.

**Report published by Scottish Ministers as appointing person**

2.—(1) The Scottish Ministers must publish a report under section 8(3) of the Act not later than 30 April 2021, and subsequently at intervals of not more than 2 years beginning with the date on which they last published a report under this regulation.

(2) The report under section 8(3) of the Act must contain in respect of each relevant authority—

(a) a statement of whether at the date of publication that authority has achieved the gender representation objective,

(b) a statement confirming the number of vacancies for non-executive members which arose during the period covered by the report,

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(1) 2018 asp 4.

- (c) a statement confirming for each vacancy referred to in sub-paragraph (b) how many recruitment competitions were held with a view to fill the vacancy and, for each competition—
  - (i) the number of applications received and, where applications were received, the percentage which were from women, and
  - (ii) confirmation of whether an appointment was made, and where an appointment was made, whether a woman was appointed,
- (d) details of any steps taken by the Scottish Ministers under section 5(1) of the Act to encourage applications from women to become non-executive members of the public board, and
- (e) details of any other steps taken by the Scottish Ministers under section 6(2) of the Act with a view to achieving the gender representation objective by 31 December 2022.

### **Report published by appointing person (other than Scottish Ministers)**

3.—(1) The public authorities specified for the purposes of section 8(4) of the Act are those listed, or described, in the first column of the table in schedule 1 of the Act, where the appointing person is not the Scottish Ministers.

(2) The appointing person must publish a report under section 8(4) of the Act not later than 30 April 2021, and subsequently at intervals of not more than 2 years beginning with the date on which it last published a report under this regulation.

- (3) The report under section 8(4) of the Act must contain for each public authority—
  - (a) a statement of whether at the date of publication the gender representation objective has been achieved,
  - (b) a statement confirming the number of vacancies for non-executive members which arose during the period covered by the report,
  - (c) a statement confirming for each vacancy referred to in sub-paragraph (b) how many recruitment competitions were held with a view to fill the vacancy and, for each competition—
    - (i) the number of applications received and, where applications were received, the percentage which were from women, and
    - (ii) confirmation of whether an appointment was made and, where an appointment was made, whether a woman was appointed,
  - (d) details of any steps taken by the appointing person under section 5(1) of the Act to encourage applications from women to become non-executive members of the public board, and
  - (e) details of any other steps taken by the appointing person under section 6(2) of the Act with a view to achieving the gender representation objective by 31 December 2022.

### **Report published by public authority**

4.—(1) The public authorities specified for the purposes of section 8(5) of the Act are those listed, or described, in the first column of the table in schedule 1 of the Act.

(2) Each public authority must publish a report under section 8(5) of the Act not later than 30 April 2021, and subsequently at intervals of not more than 2 years beginning with the date on which it last published a report under this regulation.

- (3) The report under section 8(5) of the Act must contain—

- (a) details of any activity taken by the public authority under section 5(2) of the Act to encourage applications from women to become non-executive members of the public board, and
- (b) details of any other steps taken by the public authority under section 6(3) of the Act with a view to achieving the gender representation objective by 31 December 2022.

#### **Requirements of publication and notification**

5.—(1) The requirement to publish in regulations 2 to 4—

- (a) is a requirement to publish in a manner that is accessible to the public, and
- (b) may be complied with by publishing the information within another published document.

(2) A report under section 8(4) or section 8(5) of the Act must be prepared in accordance with any guidance issued by the Scottish Ministers under section 7 of the Act.

(3) A copy of a report published under section 8(4) or section 8(5) of the Act must be provided in electronic form to the Scottish Ministers within 7 days of publication.

#### **Scottish Ministers' report to Scottish Parliament**

6.—(1) The Scottish Ministers must lay a report before the Scottish Parliament under section 8(1) of the Act not later than 31 December 2021, and subsequently at intervals of not more than 2 years, beginning with the date on which they last published a report under this regulation.

(2) In preparing the report under section 8(1) of the Act the Scottish Ministers must—

- (a) consider all published reports by appointing persons and public authorities under these Regulations, and
- (b) include an overview of the operation of the Act by all appointing persons and public authorities with duties under the Act.

(3) The Scottish Ministers must, as soon as practicable after a report has been laid before the Scottish Parliament under section 8(1) of the Act, publish the report in a manner that is accessible to the public.

St Andrew's House,  
Edinburgh  
1st April 2020

*CHRISTINA MCKELVIE*  
Authorised to sign by the Scottish Ministers

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations make provision for reports to be published, and laid before the Scottish Parliament, under section 8 of the Gender Representation on Public Boards (Scotland) Act 2018.

The Scottish Ministers (regulation 2), other appointing persons (regulation 3) and public authorities (regulation 4) are required to publish reports, in the manner set out in regulation 5, which also requires that certain reports be prepared in accordance with guidance issued by Scottish Ministers and for electronic copies to be provided to the Scottish Ministers. Regulation 6 provides for a report to be made by the Scottish Ministers to the Scottish Parliament.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government, Directorate for Local Government and Communities, Victoria Quay, Edinburgh and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).