



# 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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*Status: This is the original version (as it was originally enacted).*

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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).”