

POLICY NOTE

THE SCOTTISH NATIONAL INVESTMENT BANK P.L.C. AND SOUTH OF SCOTLAND ENTERPRISE (MISCELLANEOUS LISTINGS) REGULATIONS 2020

SSI 2020/XXX

The above instrument was made in exercise of the powers conferred by sections 2(4), 153(3) and 207(4) of the Equality Act 2010(). The instrument is subject to affirmative procedure.

Summary Box

The above instrument has been made to apply public bodies duties to the Scottish National Investment Bank p.l.c and to South of Scotland Enterprise.

In respect of the Scottish National Investment Bank the duties to be applied are the Fairer Scotland Duty, as set out in the Equality Act 2010, and the Scottish-specific equalities duties, as set out in the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012. In respect of South of Scotland Enterprise the duty to be applied is the Fairer Scotland Duty, as set out in the Equality Act 2010

1. Policy Objectives – Scottish National Investment Bank

The Scottish National Investment Bank Act 2020, provides that the Scottish Ministers are required to establish the Scottish National Investment Bank (“the Bank”). The Bank is to be established as a public limited company, with the Scottish Ministers as its only member.

The purpose of this instrument is to list the Bank in:

- Section 1 of the Equality Act 2010 (the “2010 Act”).
- The Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012 (the “2012 Regulations”).

Listing the Bank in the above legislation will meet the following policy objectives:

- **The 2010 Act** – listing the Bank in section 1 of the 2010 Act will add the Bank to the list of Scottish public authorities required to comply with the Fairer Scotland duty.
- **The 2012 Regulations** – providing that the Bank be a listed authority will make the Bank subject to the equalities duties in the 2012 regulations. The instrument also makes provision for the time periods within which the duties must be complied with.

Consultation

The Scottish Government stated its intention to make the Bank subject to the Fairer Scotland Duty including through an equality impact assessment published in relation to the Scottish National Investment Bank Bill in September 2019. Wider stakeholders have also been made aware of this, and of the intention to make the Bank subject to the Scottish-specific equality duties, and are supportive.

Impact Assessments

An Equality Impact Assessment (EQIA) was not required as the instrument in itself is not considered to have any equalities impacts. An EQIA was carried out in relation to the

Scottish National Investment Bank Bill and published in September 2019. It is available here: <https://www.gov.scot/publications/scottish-national-investment-bank-bill-revised-equality-impact-assessment/>. That built upon and revised an EQIA that was previously published in February 2019 and which is available here: <https://www.gov.scot/publications/scottish-national-investment-bank-bill-equality-impact-assessment/>.

A Child Rights and Wellbeing Impact Assessment was not required as the instrument in itself is not considered to have any impact upon children or young people. An assessment was carried out in the development of the Bill and is available at: <https://www.gov.scot/publications/scottish-national-investment-bank-child-rights-wellbeing-impact-assessment/>.

A Fairer Scotland Duty Assessment was not required for this instrument as the instrument in itself is not considered to have an impact on inequalities of outcome caused by socio-economic disadvantage. An assessment was carried out in the development of the Bill and is available at: <https://www.gov.scot/publications/scottish-national-investment-bank-fairer-scotland-duty-assessment/>.

An Island Communities Impact Assessment was not required for this instrument, as the instrument is not considered likely to have an effect on an island community which is significantly different from its effect on other communities.

A Data Protection Impact Assessment was not required for this instrument as the instrument is not considered to have any impact on the collecting or processing of personal data.

A Strategic Environmental Assessment was not required for this instrument as the instrument is not considered to have any significant environmental effects.

Financial Effects

The Cabinet Secretary for Economy, Fair Work and Culture confirms that no BRIA is necessary in respect of the provisions pertaining to the Scottish National Investment Bank as the instrument has no financial effects on the Scottish Government, local government or on business.

2. Policy Objectives – South of Scotland Enterprise

The South of Scotland Enterprise Act 2019 sets out the strategic aims of South of Scotland Enterprise (“SOSE”) – namely, to further the economic and social development, and improve the amenity and environment, of the south of Scotland. SOSE operates within a framework of governance and accountability set by Scottish Ministers to ensure appropriate transparency and accountability and is in keeping with Scotland’s other enterprise bodies. SOSE was set up as a non-departmental public body.

The purpose of this instrument is to list SOSE in:

- Section 1 of the Equality Act 2010 (the “2010 Act”).

Listing SOSE in the above legislation will meet the following policy objectives:

- **The 2010 Act** – listing SOSE in section 1 of the 2010 Act will add SOSE to the list of Scottish public authorities required to comply with the Fairer Scotland duty.

Consultation

The Scottish Government stated its intention to make SOSE subject to the Fairer Scotland Duty, including through an equality impact assessment published in relation to the South of Scotland Enterprise Bill in November 2018.

Impact Assessments

An Equality Impact Assessment (EQIA) for this instrument was not considered to be required however an EQIA was published in relation to the South of Scotland Enterprise Bill and is available here: <https://www.gov.scot/publications/south-scotland-enterprise-bill-equality-impact-assessment/>.

A Child Rights and Wellbeing Impact Assessment was not considered required for this instrument however one was carried out in the development of the South of Scotland Enterprise Bill and is available here: <https://www.gov.scot/publications/south-scotland-enterprise-bill-child-rights-wellbeing-impact-assessment/>.

A Fairer Scotland Duty Impact Assessment was not considered to be required for this instrument. Interim guidance for public bodies is available here: <https://www.gov.scot/publications/fairer-scotland-duty-interim-guidance-public-bodies/>.

An Island Communities Impact Assessment was not required for this instrument, as the instrument is not considered likely to have an effect on an island community which is significantly different from its effect on other communities.

A Data Protection Impact Assessment was not required for this instrument as the instrument is not considered to have any impact on the collecting or processing of personal data.

A Strategic Environmental Assessment was not required for this instrument as the instrument is not considered to have any significant environmental effects.

Financial Effects

The Cabinet Secretary for Rural Economy and Tourism confirms that no BRIA is necessary in respect of the provisions pertaining to South of Scotland Enterprise as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government

October 2020