

POLICY NOTE

THE EQUALITY ACT 2010 (SPECIFICATION OF PUBLIC AUTHORITIES) (SCOTLAND) ORDER 2013

SSI 2013/170

The above instrument was made in exercise of the powers conferred by section 151(3) of the Equality Act 2010. The instrument is subject to negative procedure.

Policy Objectives

The Order amends the name of the governing body of the National Library of Scotland (“NLS”) in Schedule 19 to the Equality Act 2010 (the “2010 Act”) from “The Trustees of the National Library of Scotland” to the more simple “The National Library of Scotland” which is required following the commencement of the National Library of Scotland Act 2012 (the “2012 Act”) on 1 February 2013. The governing body is known as “Leabharlann Nàiseanta na h-Alba” in Gaelic.

The 2012 Act is now the governing legislation for NLS, which was established by the National Library of Scotland Act 1925. The 2012 Act defines and updates the functions and powers of NLS in line with those of modern public bodies. The 2012 Act also reduced the size of the Board, removed reserved places and ensures all appointments are made by Scottish Ministers based on merit and selection. This will bring NLS in line with current public appointments practice under the Public Appointments and Public Bodies etc. (Scotland) Act 2003.

The 2010 Act places a general duty on public authorities and office holders to pay due regard to the need to eliminate discrimination, advance equality and foster good relations across a range of protected characteristics. Those bodies and office holders subject to this duty are listed in Schedule 19 to the 2010 Act.

Consultation

For the purposes of this Order the Scottish Government consulted the Scottish Commissioner of the Equality and Human Rights Commission as required by the 2010 Act. As required by the 2010 Act, approval was also given by the relevant UK Government Minister.

A public consultation on the role and governance of the National Library of Scotland was carried out between March and June 2010,

<http://www.scotland.gov.uk/Publications/2010/03/31102621/1>. A Scottish Government response was published in March 2011

<http://www.scotland.gov.uk/Publications/2011/03/Publications>.

Impact Assessments

An equality impact assessment has been completed on The National Library of Scotland Bill and is attached. This instrument is consequential in nature and no further impact assessment is required.

Financial Effects

The Cabinet Secretary for Culture and External Affairs confirmed that no BRIA was necessary for the National Library of Scotland Bill on 5 September 2011. It follows that the subsequent instruments to enable all aspects of the 2012 Act have no financial effects on the Scottish Government, local government or on business.

**Scottish Government
Culture and Heritage Directorate**

May 2013