

PARLIAMENTARY BUREAU

DESIGNATION OF A BILL AT STAGE 1: GENDER REPRESENTATION ON PUBLIC BOARDS (AMENDMENT) (SCOTLAND) BILL

Introduction

1. The Gender Representation on Public Boards (Amendment) (Scotland) Bill was introduced in the Parliament on 7 November 2023 by Shirley-Anne Somerville MSP, Cabinet Secretary for Social Justice.

Discussion

2. The Bill amends section 2 of the Gender Representation on Public Boards (Scotland) Act 2018 (“the 2018 Act”) by repealing the definition of “woman”.
3. Section 2 of the 2018 Act defined “woman” as including “a person who has the protected characteristic of gender reassignment (within the meaning of section 7 of the Equality Act 2010) if, and only if, the person is living as a woman and is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of becoming female”.
4. In 2022, the Court of Session found that the definition of “woman” in section 2 of the 2018 Act was outwith the legislative competence of the Scottish Parliament and therefore not law.
5. The Bill is within the remit of the following committees:

Equalities, Human Rights and Civil Justice Committee

The remit of the Equalities, Human Rights and Civil Justice Committee includes to consider and report on matters relating to equal opportunities. As this Bill concerns that subject matter, the remit of this Committee is engaged.

Social Justice and Social Security Committee

The remit of the Social Justice and Social Security Committee is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants’ rights. This Bill was introduced by the Cabinet Secretary for Social Justice. As such, the remit of this Committee is engaged.

6. It is understood that the Equalities, Human Rights and Civil Justice Committee has the main interest in the Bill. We are not aware of any desire on the part of any other committee to be designated as a secondary committee. However, the lack of a formal designation does not prevent any committee from considering the Bill if it so wishes.

Recommendation

7. It is suggested that the Bureau recommend to the Parliament that Equalities, Human Rights and Civil Justice Committee be designated as the lead committee to consider this Bill at stage 1.

**Parliamentary Business Team
November 2023**

DRAFT MOTION

Designation of Lead Committee: That the Parliament agrees that the Equalities, Human Rights and Civil Justice Committee be designated as the lead committee in consideration of the Gender Representation on Public Boards (Amendment) (Scotland) Bill at stage 1.