

# Gender Representation on Public Boards (Scotland) Bill

---

---

## Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 and 2	Schedule 1
Sections 3 to 9	Schedule 2
Sections 10 to 13	Long Title

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 2

**Mary Fee**

**10** In section 2, page 1, line 26, at end insert—

<“woman” includes 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.>

### Schedule 1

**Angela Constance**

**2** In schedule 1, page 7, line 26, column 2, at end insert—

<Members appointed only by virtue of being nominated for membership by a Health Board mentioned in section 6(1)(a)(ii) of that Act

A member appointed only by virtue of being nominated for membership by Highlands and Islands Enterprise

A member appointed only by virtue of being nominated for membership by Scottish Enterprise>

### Section 4

**Alex Cole-Hamilton**

**1** In section 4, page 2, line 30, at end insert—

<( ) In subsection (4), “characteristic” includes a protected characteristic (within the meaning of section 4 of the Equality Act 2010).>

## Section 5

### Alex Cole-Hamilton

11 In section 5, page 2, line 36, at end insert—

<( ) For the avoidance of doubt, nothing in subsections (1) and (2) prevents an appointing person or a public authority from taking such steps as it considers appropriate to encourage persons with other protected characteristics (within the meaning of section 4 of the Equality Act 2010) to apply to become non-executive members of the public board.>

## After section 6

### Angela Constance

3 After section 6, insert—

#### <Guidance on operation of Act

- (1) The Scottish Ministers must publish guidance on the operation of this Act.
- (2) The guidance must in particular cover—
  - (a) an appointing person's functions in—
    - (i) appointing non-executive members under sections 3 and 4,
    - (ii) encouraging applications by women under section 5(1),
    - (iii) taking any steps under section 6(2),
    - (iv) reporting under section 7(A4),
  - (b) a public authority's functions in—
    - (i) encouraging applications by women under section 5(2),
    - (ii) taking any steps under section 6(3),
    - (iii) reporting under section 7(1).
- (3) An appointing person must have regard to the guidance in carrying out its functions under this Act.
- (4) A public authority must have regard to the guidance in carrying out its functions under this Act.>

## Section 7

### Angela Constance

4 In section 7, page 3, line 7, at end insert—

- <(A1) The Scottish Ministers must lay before the Scottish Parliament reports on the operation of this Act in accordance with provision made in regulations under subsection (2).
- (A2) Regulations under subsection (2) must ensure that reports under subsection (A1) are laid before the Scottish Parliament at intervals of no more than two years.
- (A3) The Scottish Ministers must publish reports on the carrying out of their functions under sections 3 to 6 in accordance with provision made in regulations under subsection (2).

(A4) An appointing person (other than the Scottish Ministers) specified in regulations under subsection (2) must publish reports on the carrying out of its functions under sections 3 to 6 in accordance with provision made in regulations under subsection (2).>

**Angela Constance**

- 5 In section 7, page 3, line 9, leave out <operation of this Act> and insert <carrying out of its functions under sections 5 and 6>

**Angela Constance**

- 6 In section 7, page 3, line 11, at end insert—  
<( ) specify appointing persons for the purposes of subsection (A4),>

**Angela Constance**

- 7 In section 7, page 3, line 13, leave out <subsection (1)> and insert <subsections (A1) to (1)>

**Section 11**

**Angela Constance**

- 8 In section 11, page 3, line 30, leave out <sections 7 and 8> and insert <section 7>

**Angela Constance**

- 9 In section 11, page 3, line 30, at end insert—  
<( ) Regulations under section 8 are subject to the affirmative procedure.>



© Parliamentary copyright. Scottish Parliamentary Corporate Body

The Scottish Parliament's copyright policy can be found on the website - [www.scottish.parliament.uk](http://www.scottish.parliament.uk) or by contacting Public Information on 0131 348 5000.

---

Published in Scotland by the Scottish Parliamentary Corporate Body

---

All documents are available on  
the Scottish Parliament website at:

[www.scottish.parliament.uk/documents](http://www.scottish.parliament.uk/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

---