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## **Net Zero, Energy and Transport Committee**

# **Net Zero, Energy and Transport Committee report on the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2025 and the Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2025**



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# Net Zero, Energy and Transport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Transport and the Cabinet Secretary for Climate Action and Energy, with the exception of matters relating to just transition; and on matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland and Royal Botanic Garden within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands.



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# Introduction

1. [The Equality Act 2010 \(Specific Duties\) \(Scotland\) Amendment Regulations 2025 \(draft\)](#) ("the Regulations") and [the Equality Act 2010 \(Specification of Public Authorities\) \(Scotland\) Order 2025 \(draft\)](#) ("the Order") were laid before the Scottish Parliament on 16 September 2025 and are subject to the affirmative procedure. Both were referred to the Net Zero, Energy and Transport Committee for consideration and it is for the Committee to recommend to the Scottish Parliament whether the draft instruments should be approved. The Cabinet Secretary for Climate Action and Energy lodged motions S6M-18943 and S6M-18944, which recommend that the Committee approve the draft Regulations and the draft Order, respectively.
2. The policy note accompanying the Order states that the purpose of this instrument is to formally designate Zero Waste Scotland (ZWS) as a Scottish public authority for the purposes of the Equality Act 2010 (the 2010 Act) by adding ZWS to the list of Scottish public authorities in Part 3 of schedule 19. According to the policy note, the designation will ensure ZWS is bound by the public sector equality duty under section 149 of the 2010 Act. This duty requires public authorities to consider how their policies and practices affect people with protected characteristics, to help eliminate discrimination and promote equality. The public sector equality duty requires listed authorities to have due regard to:
  - eliminating discrimination, harassment, and victimisation and any other conduct that is prohibited by or under the 2010 Act;
  - advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not;
  - fostering good relations between people who share a protected characteristic and those who do not.
3. The policy note accompanying the Regulations explains that the instrument amends the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 to include ZWS as a listed authority subject to the specific duties under those Regulations. The policy note explains that these specific duties are designed to support listed authorities in meeting the public sector equality duty under section 149 of the 2010 Act. These duties include:
  - to report on progress towards integrating the equality duty into ZWS's other work;
  - to publish equality outcomes which ZWS has decided to work on in particular and report on progress made to achieve those outcomes;
  - to assess and review policies and practices against the needs which form the Equality Duty;
  - to gather and use employee information to better perform the equality duty;
  - to publish gender pay gap information;

- to publish statements on equal pay and occupational segregation;
  - to consider whether award criteria and conditions in relation to public procurement should include consideration of whether a bid will help ZWS better perform the equality duty.
4. Like the other instrument, this follows ZWS's reclassification as a Non-Departmental Public Body (NDPB). The policy note states that this will ensure ZWS is held to the same standards and obligations as other public bodies, reinforcing its commitment to equality and transparency in delivering Scotland's Circular Economy strategy.

# Consideration by the Delegated Powers and Law Reform (DPLR) Committee

5. The DPLR Committee considered the instruments on 30 September 2025 and reported on them in its [68<sup>th</sup> Report, 2025](#). The DPLR Committee raised no points in relation to either instrument.

# Consideration by the Net Zero, Energy and Transport Committee

6. At its meeting on 28 October 2025, the Committee took evidence on the draft Regulations and draft Order from—
  - Gillian Martin, Cabinet Secretary for Climate Action and Energy, Scottish Government;
  - Andrew Mackie, Head of Environment & Forestry Sponsorship Hub, Scottish Government;
  - Carolyn Boyd, Lawyer, Scottish Government; and
  - Russell Bain, Deputy Director, International Futures and Brand Scotland Policy, Scottish Government
7. The evidence taken and debate held at that meeting regarding these instruments can be found in the Official Report. [Read the Official Report - 28 October 2025](#).
8. In her opening remarks, the Cabinet Secretary said that the instruments are technical in nature but are nonetheless important measures that reinforce the Scottish Government's commitment to equality and inclusion across Scotland's public sector. She noted that the instruments would ensure that ZWS, following its transition to a non-departmental public body in October last year, will be subject to the same statutory equality obligations as other public authorities.
9. She explained that the schedule to the Circular Economy (Scotland) Act 2024 applied the majority of public sector duties to ZWS, such as those in the Freedom of Information (Scotland) Act 2002 and the Public Appointments and Public Bodies etc (Scotland) Act 2003. However, making ZWS subject to the public sector equality duty under the Equality Act 2010, and the related duties under the Regulations, needed to be done via secondary legislation.
10. She outlined that the draft Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2025 formally designates ZWS as a listed authority under section 149 of the Equality Act 2010. This means that the organisation must now comply with the public sector equality duty, which requires public bodies to consider how their policies and practices affect people with protected characteristics. She said that “the duty is central to promoting fairness, dignity and inclusion in the delivery of public services”.<sup>i</sup>
11. The Cabinet Secretary went on to explain the purpose of the draft Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2025, as set out above. She said that “the measures are not only about compliance; they are about embedding equality into the culture and operations of public bodies. They help to ensure that decisions are informed by evidence, that services are responsive to the needs of all communities and that public bodies are held to account for their performance on equality.”<sup>ii</sup>

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<sup>i</sup> Net Zero, Energy and Transport Committee, Official Report, 28 October 2025, col: 44

12. She noted that ZWS, which employs around 160 staff, plays a central role in delivering Scotland's circular economy strategy, and it will play an integral part in the Scottish Government's aim to reach net zero by 2045. She said "it is right, therefore, that we extend the duties to the organisation, which will strengthen our objective to ensure that our public services are representative of the people of Scotland."<sup>iii</sup>

13. Following the conclusion of evidence taking, the Cabinet Secretary moved motion S6M-18943 in her name—

That the Net Zero, Energy and Transport Committee recommends that the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2025 [draft] be approved.

14. There being no further questions from Members, the motion was agreed to without division.

15. The Cabinet Secretary then moved motion S6M-18944 in her name—

That the Net Zero, Energy and Transport Committee recommends that the Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2025 [draft] be approved.

16. The motion was agreed to without further debate and without division.

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ii Net Zero, Energy and Transport Committee, Official Report, 28 October 2025, col: 44

iii Net Zero, Energy and Transport Committee, Official Report, 28 October 2025, col: 44

# Conclusion

The Net Zero, Energy and Transport Committee recommends that the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2025 [draft] and the Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2025 [draft] be approved.

