

Social Justice and Social Security Committee  
Thursday 9 October 2025  
26<sup>th</sup> Meeting, 2025 (Session 6)

**SPICe**

**The Information Centre**  
An t-Ionad Fiosrachaidh

## **Wellbeing and Sustainable Development (Scotland) Bill – Possible themes of questioning**

### **Introduction**

This paper provides information and suggested lines of questioning to assist members of the Committee to scrutinise the Wellbeing and Sustainable Development (Scotland) Bill.

### **Background to the Bill**

Information on the Bill can be found on the parliament's webpages on the Bill, and in the related SPICe Briefing. This paper should also be considered alongside the calls for views responses received by the committee, and the published [SPICe summary of those responses](#).

The [Wellbeing and Sustainable Development \(Scotland\) Bill](#) is a Member's Bill, introduced on 27 March 2025 by Sarah Boyack MSP.

The Bill creates a new public duty, which requires all public bodies to have due regard for the need to promote wellbeing and sustainable development in the exercise of their functions. It also establishes statutory definitions of the terms "wellbeing" and "sustainable development" for the purposes of the Bill. It establishes a "Future Generations Commissioner".

### **Committee call for views**

The Social Justice and Social Security Committee held a call for views on the Bill, which concluded on 24 August 2025. 41 submissions were received through the Committee's call for views on Citizen Space, and an additional 7 submissions were received by correspondence. All responses have been published either on [Citizen Space](#) or on the [Bill's webpages](#). There is a published [SPICe summary of those responses](#).

### **Witnesses**

The Committee will hear from one panel, consisting of two academic witnesses:

- [Professor Colin Reid](#), Emeritus Professor of Environmental Law at University of Dundee, and Adviser to the Net Zero, Energy and Transport Committee.
- [Professor Calvin Jones](#) is an economist, who previously worked at Cardiff University. He is now freelance. He has worked closely with the Welsh Future Generations Commissioner's office in the past.

## Suggested lines of questioning

### Policy Objectives

Sustainable Development remains a key global target – articulated and highlighted (including [on the front page of the United Nations website](#)) through the globally agreed Sustainable Development Goals – the Scottish Government maintains that the National Performance Framework is the way it approaches achievement of the Goals.

The Policy Memorandum to the Bill includes that policy objectives for the Bill include that it:

“will foster a joined-up approach to sustainable development and wellbeing across the public sector, which will complement and enhance existing national frameworks for tackling the challenges faced by society, including climate change.”

And that it:

“will renew and advance Scotland’s commitment to sustainable development by improving PCSD [policy coherence for sustainable development] among Scotland’s public bodies. It aims to enshrine sustainable development and wellbeing in law as key factors influencing public policy development and the actions and decisions of public bodies”.

The Policy Memorandum explicitly states that:

“The Bill has three main strands that the Member considers will come together to achieve its policy objectives:

- establishing statutory definitions of the terms “sustainable development” and “wellbeing”;
- imposing a statutory duty on public bodies to consider wellbeing and sustainable development in the exercise of their functions; and
- creating the office of the Future Generations Commissioner for Scotland”.

The Policy Memorandum introduces the idea of seeking ‘*policy coherence for sustainable development*’ – broadly this is the idea that intended and unintended consequences of policy decisions in one area, which affect another, should be clearly and better understood. It is this kind of complex policy environment which has

seen the parliament develop its own [Sustainable Development Impact Assessment tool](#) – around the idea of scrutiny coherence.

Professor Colin Reid (Emeritus Professor of Environmental Law at University of Dundee, and Adviser to the Net Zero, Energy and Transport Committee) stated in written evidence on the Bill that:

“Despite the climate, biodiversity, housing and cost-of-living crises that we face, too much policy appears to be continuing on a "business as usual" basis, based on an economic growth model that is palpably failing to deliver a sustainable future for the ecosystem of the planet on which we all depend and a healthy, dignified and comfortable long-term future for most in society”.

Members could explore:

- 1. The Policy Memorandum explores the concept of policy coherence for sustainable development. Do you agree with this analysis, and can you share any examples where such an approach has resulted from legislation?**

### **Need for legislation, and differences from Scottish Government proposals**

As pointed out in the accompanying documents, the Scottish Government had previously committed to legislating in this area – subsequently choosing not to proceed with its own bill, but to supporting this Bill – then setting out that they believe legislation is not necessary to achieve policy objectives. The Scottish Government did consult on its own legislation - proposals included to directly strengthen duties conferred by the National Performance Framework and Community Empowerment (Scotland) Act 2015 around alignment with national outcomes - rather than a new overarching public duty.

- 2. After committing to legislation previously on wellbeing and sustainable development, the Scottish Government chose not to proceed with its own legislation, nor to support this Bill. Do you feel that the policy objectives in this Bill and Policy Memorandum require legislation?**
- 3. More widely, do you think this legislation is necessary for Scotland to contribute most effectively to delivery of the UN Sustainable Development Goals?**
- 4. Why do you think there are some fundamental differences between this Bill and that which had been proposed by the Scottish Government? What might have changed that the Scottish Government no longer thinks legislation is necessary?**

## The Welsh approach to sustainable development and wellbeing

The Welsh Well-being of Future Generations (Wales) Act 2015 establishes 7 connected well-being goals for Wales<sup>1</sup>. They are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of more cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

This is about ensuring that future generations have at least the same quality of life as we do now. The act is described as providing- for better decision-making by ensuring that public bodies:

- take account of the long term
- help to prevent problems occurring or getting worse
- take an integrated approach
- take a collaborative approach, and
- consider and involve people of all ages and diversity.

The Act established a Future Generations Commissioner for Wales. It established definitions for sustainable development and wellbeing.

- 5. The committee is aware of the Welsh Well-being of Future Generations Act, and the impact of the Future Generations Commissioner from Wales. Why did Wales, in 2015, feel the need to legislate for definitions of sustainable development and wellbeing, and to establish the Commissioner function?**
- 6. Was it the right decision to legislate?**
- 7. What might have been done differently at the time of legislating, and what have been the lessons learned since?**

## Detail of the Bill

The Bill creates a new public duty, which requires all public bodies to have due regard for the need to promote wellbeing and sustainable development in the exercise of their functions. It also establishes statutory definitions of the terms “wellbeing” and “sustainable development” for the purposes of the Bill. It establishes a “Future Generations Commissioner”.

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<sup>1</sup> <https://www.gov.wales/well-being-of-future-generations-wales>

## Duty on Public Bodies

Part One Section 1 of the Bill states that:

“A public body must, in the exercise of its functions, have *due regard* for the need to promote wellbeing and sustainable development”.

8. The definitions of sustainable development and wellbeing are considered later – but for this overarching duty, is the definition of public body (set out in section 17) appropriate?
9. Why do you think there is a need for “due regard” in section 1 rather than “regard” or something else?
10. “Due regard” relates to a “need to promote wellbeing and sustainable development” – would it be reasonable to think a duty should be about *delivery* of wellbeing and sustainable development, rather than *promotion*?

The Bill further states:

“A public body must, when exercising its duty under subsection (1), *have regard* to any guidance published under section 5(2)(a) or (b)”.

11. The Bill outlines public bodies must “have regard” to guidance produced by a Future Generations Commissioner. Why do you think this might be different to the “have due regard” requirement in section 1(1)?
12. Do you have any thoughts on how this duty might be exercised, and how there could best be consistency in application?

## Definition of sustainable development

Section 2 gives a definition of “sustainable development” as:

“Sustainable development” is development that improves wellbeing in the present without compromising the wellbeing of future generations”.

The Policy Memorandum points out that the phrase is used in multiple policy documents, and in legislation but without, or with varying, definitions. The Policy Memorandum indicates that this definition is inspired by the famous definition in the 1987 Brundtland World Commission on Environment and Development report, ‘Our Common Future, that’:

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.

There is further text in the Brundtland report, that the definition:

“contains within it two key concepts: the concept of 'needs', in particular the essential needs of the world's poor, to which overriding priority should be given; and the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs”.

The Brundtland definition therefore explicitly introduces and includes the idea of planetary boundaries, of environmental limits. It is from this that the idea of three pillars of sustainable development emerged - social, environmental and economic.

The definition in the Bill explicitly links it to wellbeing (discussed later).

**13. Is there a need for a definition of sustainable development in law?**

**14. Do you have any thoughts on the definition chosen?**

### **Definition of wellbeing**

Section 3 defines “wellbeing” as:

“the ability of individuals, families and other groups within society to enjoy:

- (a) personal dignity, including respect for their choices and beliefs,
- (b) freedom from fear, oppression, abuse and neglect,
- (c) good physical, mental and emotional health,
- (d) participation in meaningful activity including work, education, training and recreation,
- (e) an adequate standard of living including suitable and affordable accommodation, food, clothes and energy,
- (f) access to the natural environment for health, leisure and relaxation”.

- 15. Do the witnesses have any observations on the definition of wellbeing? Is this materially different to other definitions in legislation you are aware of?**
- 16. Could aligning the definition to allowing “individuals, families and other groups within society” have any constraints?**
- 17. Given the bill seeks to align the definition of “sustainable development” with the definition of “wellbeing”, and the definition of “wellbeing” is about the wellbeing of individuals, families and other groups within society, is there a danger that taken together the definitions could go onto the statute book without explicit reference to environmental limits or constraints, described as planetary boundaries in the Policy Memorandum?**

#### **Establishment of The Future Generations Commissioner**

Part 2, Section 4 (and Schedule 1) of the Bill establishes the Future Generations Commissioner for Scotland. The text appears somewhat modelled on the Commissioner for Children and Young People (Scotland) Act 2003, as amended.

- 18. Do the witnesses have any views on either the premise, or the need for a Commissioner for Future Generations in Scotland?**
- 19. How do you think such a Commissioner could effectively align with other Commissioner roles?**

## General function of The Future Generations Commissioner

The general function of the Commissioner is described as

“to promote the wellbeing of future generations by promoting sustainable development by public bodies in all aspects of their decisions, policies and actions”.

**20. Do witnesses have any thoughts on how this general function aligns with the duties already placed on public bodies – are “decisions, policies and actions” the same as public bodies carrying out their functions?**

**21. Are there any thoughts around what a description of “future generations” should entail?**

In carrying out the general function, the Commissioner is to do a variety of things including:

- (a) produce guidance on the duty
- (b) review and update guidance
- (c) promote awareness and understanding amongst public bodies of wellbeing and sustainable development
- (d) keep under review the law, policy and practice relating to wellbeing and sustainable development with a view to assessing the adequacy and effectiveness of such law, policy and practice in giving effect to wellbeing and sustainable development
- (e) promote best practice by public bodies, and
- (f) promote, commission, undertake and publish research on matters relating to wellbeing and sustainable development.

**22. Are there any thoughts on the requirement for the Commissioner to produce guidance, and to keep this guidance under review?**

**23. What might be the opportunities and challenges in a Commissioner being required to “keep under review the law, policy and practice relating to wellbeing and sustainable development”?**



## Investigations

Sections 6 – 11 (and Schedule 2) give powers and effect to Investigations which can be carried out by the Commissioner.

“A general investigation is an investigation into whether, by what means and to what extent public bodies have regard to wellbeing and sustainable development in making decisions, developing policy or taking actions”.

This includes requirement of “reasonable grounds that the matter to be investigated raises an issue of particular significance to the wellbeing of future generations”.

The Bill further sets out that

“An individual investigation is an investigation into whether, by what means and to what extent one or more public bodies have had regard to wellbeing and sustainable development in making a particular decision, adopting a particular policy or taking a particular action”.

And:

“Where the Commissioner considers that the matter may be capable of being resolved without an investigation, the Commissioner may with a view to securing that outcome take such steps as the Commissioner considers appropriate”.

- 24. Do witnesses have any views on the powers relating to investigations by the Commissioner?**
- 25. In particular, what do you think are the kinds of ‘reasonable grounds’ under which a general investigation could be initiated?**
- 26. Related, what do you think could be the challenges in identifying particular decisions, policies or actions in relation to initiating an individual investigation?**
- 27. The Bill allows for the Commissioner to “take such steps as the Commissioner considers appropriate” when seeking to resolve a matter without recourse to an investigation. What do you think such steps might need to look like?**

**Graeme Cook, SPICe**

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