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Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

Gender Representation on Public Boards (Scotland) Bill as amended at Stage 2



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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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Introduction

1. At its meeting on 23 January 2018, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Gender Representation on Public Boards (Scotland) Bill as amended at Stage 2 ("the Bill").ⁱ The Committee submits this report to the Parliament under Rule 9.7.9 of the Standing Orders.
2. The Bill was introduced by the Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance MSP, on 15 June 2017. The Bill completed Stage 2 on 21 December 2017.
3. The Bill aims to increase the representation of women on public boards in Scotland. It applies to certain public sector bodies, colleges and higher education institutions in Scotland but not to the boards of voluntary organisations or private companies.
4. A number of amendments were made to the Bill at Stage 2. In relation to delegated powers, two existing powers have been amended and a new power added.
5. The Scottish Government has provided the Parliament with a supplementary memorandum ("SDPM") on the delegated powers provisions in the Bill.ⁱⁱ
6. The Committee previously reported on the delegated powers provision in this Bill at Stage 1 in its 44th Report, 2017.ⁱⁱⁱ

ⁱ The Bill as amended at Stage 2 is available [here](#).

ⁱⁱ The Supplementary Delegated Powers Memorandum is available [here](#).

ⁱⁱⁱ Delegated Powers and Law Reform Committee, 44th Report, 2017 is available [here](#).

Delegated Powers Provisions

7. The Committee considered each of the new delegated powers provisions in the Bill after Stage 2.
8. The Committee determined that it did not need to draw the Parliament's attention to the delegated powers in the following provisions:
 - Section 7: Reports on operation of the Act
 - Section 8: Power to modify schedule 1
 - Section 6A: Guidance on the operation of the Act.

Recommendation

9. The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill as amended at Stage 2.

