



Trina Budge
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Our Reference: 202000035945

30 June 2020

Dear Ms Budge

Thank you for your correspondence of 12 May 2020, regarding the implementation of the Gender Representation on Public Boards (Scotland) Act 2018 (the 2018 Act). Apologies for the delay in responding.

The Scottish Government will be producing a response to the consultation in the coming months. At this stage I am unable to give you an exact date of publication.

In relation to your point regarding consultation on the definition of woman in the 2018 Act, as you know, the changes to the definition came about as a result of the Stage 1 evidence gathered by the Scottish Parliament's Equality and Human Rights Committee, who examined the general principles of the Bill over the period 21 September 2017 to 30 October 2017. This examination was split into written and oral evidence.

The opportunity to provide written evidence is open to anyone who wishes to provide a contribution. The Committee invites the public to send in written comments, and hears from a range of organisations and individuals during the evidence sessions in committee meetings.

For Scottish Government Bills, the Minister who has introduced the legislation to Parliament also gives evidence to the Committee at this stage. A transcript of the evidence given by the Cabinet Secretary for Communities, Social Security and Equalities on 26 October 2017 is available here: <https://beta.parliament.scot/bills/gender-representation-on-public-boards-scotland-bill#target2>

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The written evidence received for the Gender Representation on Public Boards (Scotland) Bill is available here: <https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/106030.aspx> and the oral evidence sessions are available here: <https://beta.parliament.scot/bills/gender-representation-on-public-boards-scotland-bill#target2>.

After considering the evidence they have heard, the Committee then writes their report to Parliament on the Bill. The Stage 1 report on the Gender Representation on Public Boards (Scotland) Bill was published on the Scottish Parliament website on 20 November 2017 and is available here: <https://digitalpublications.parliament.scot/Committees/Report/EHRiC/2017/11/20/Stage-1-report-on-the-Gender-Representation-on-Public-Boards--Scotland--Bill-3>

As you will see, in relation to the definition of woman, the Committee's report stated that:
"Some specific concerns were raised about the language used in certain parts of the legislation. Suggestions were made by witnesses as to how this language could be made inclusive of trans people and remove loopholes in the appointment process."

They went on to say:

"We support these suggestions, and ask the Scottish Government to work with the Scottish Trans Alliance to bring forward appropriate amendments at Stage 2."

In relation to your question on the current status of the 2018 Act, it received Royal Assent on 9 March 2018 and has been fully in force since 29 May 2020.

And in relation to the definition of 'woman' in the 2018 Act, it only applies for the purpose of that Act and the Regulations made under it and does not alter the meaning of the word in any other legislation.

I hope this reply is helpful

Yours sincerely

Eileen Flanagan
EHRIS : Equality Unit

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