

# Net Zero, Energy and Transport Committee

## 15<sup>th</sup> Meeting, 2023 (Session 6)

Tuesday, 2 May 2023

### Cover note: The National Smart Ticketing Advisory Board (Gender Representation on Public Boards) (Scotland) Regulations 2023 [draft]

**Title of Instrument:** The National Smart Ticketing Advisory Board (Gender Representation on Public Boards) (Scotland) Regulations 2023 [draft]

**Type of Instrument:** Affirmative

**Laid Date:** 16 March 2023

**Circulated to Members:** 17 March 2023

**Meeting Date:** 2 May 2023

**Minister to attend meeting:** Yes

**Motion to approve:** [S6M-08262](#)

**Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee?** No

**Reporting deadline:** 10 May 2023

1. An electronic copy of the draft Regulations is available at: <https://www.legislation.gov.uk/sdsi/2023/9780111056981/contents>

2. A copy of the Scottish Government's Explanatory and Policy Notes are included in **Annexe A**.

## Purpose

3. The purpose of this instrument is to add the National Smart Ticketing Advisory Board (“NSTAB”, “the Board”) to the schedule 1 of the 2018 Act (the “2018 Act”), meaning the Board and the Scottish Ministers will be subject to duties contained in the 2018 Act relating to the achievement of the gender representation objective (defined by section 1 of the 2018 Act).

## Delegated Powers and Law Reform Committee consideration

4. At its meeting on 18 April 2023, the Committee considered the instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit. [Read the Official Report – 18 April 2023](#)

5. In its [report published 19 April 2023](#), the Committee noted 2 points for the lead committee:

- “The Committee noted that this instrument, which makes the National Smart Ticketing Advisory Board subject to the requirements of the Gender Representation on Public Boards (Scotland) Act 2018, will come into force two weeks after the Board itself is established; and
- that the Scottish Government has given the Committee an assurance that it does not intend to make any appointments to the Board until the Parliamentary process for this instrument is complete.”

6. The Committee’s correspondence with the Scottish Government can be found in **Annexe B**.

## Procedure for Affirmative instruments

7. The draft Regulations were laid on 16 March 2023 and referred to the Net Zero, Energy and Transport Committee. The Regulations are subject to affirmative procedure (Rule 10.6). It is for the Net Zero, Energy and Transport Committee to recommend to the Parliament whether the Regulations should be approved. The former Minister for Transport, by motion [S6M-08262](#) (as set out in the agenda), proposed that the Committee recommends the approval of the Regulations. The Committee will take evidence on the Regulations from the new Minister for Transport and officials before the Motion is debated.

## Recommendation

8. The Committee must decide whether or not to agree to the Motion, and then report to Parliament accordingly, by 10 May 2023.

Clerks  
Net Zero, Energy and Transport Committee

# Annexe A

## Scottish Government Explanatory Note

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations modify the Gender Representation on Public Boards (Scotland) Act 2018 (“the Act”).

Regulation 2 adds the National Smart Ticketing Advisory Board (“NSTAB”) to schedule 1 of the Act. This means the members of NSTAB will be subject to duties contained in the Act relating to the achievement of the gender representation objective (defined by section 1 of the Act). Also, the Scottish Ministers will be subject to duties contained in the Act relating to the achievement of the gender representation objective as the appointing person (defined by section 2 of the Act) for NSTAB.

## Scottish Government Policy Note

### POLICY NOTE

#### THE NATIONAL SMART TICKETING ADVISORY BOARD (GENDER REPRESENTATION ON PUBLIC BOARDS) (SCOTLAND) REGULATIONS 2023

#### SSI 2023/XXX

The above instrument will, if approved by the Scottish Parliament, be made in exercise of the powers conferred by section 9 of the Gender Representation on Public Boards (Scotland) Act 2018. This instrument is subject to affirmative procedure.

#### **Purpose of the instrument**

The purpose of this instrument is to add the National Smart Ticketing Advisory Board (“NSTAB”, “the Board”) to the schedule 1 of the 2018 Act (the “2018 Act”), meaning the Board and the Scottish Ministers will be subject to duties contained in the 2018 Act relating to the achievement of the gender representation objective (defined by section 1 of the 2018 Act).

#### **Policy Objectives**

Section 43 of the Transport (Scotland) Act 2019 inserted section 27C into the Transport (Scotland) Act 2001 (the “2001 Act”). Section 27C(1) of the 2001 Act requires the Scottish Ministers to establish an advisory committee to be known as the National Smart Ticketing Advisory Board. The function of the Board is to advise the Scottish Ministers in relation to their functions insofar as they relate to smart ticketing arrangements, and the national technological standard for smart ticketing.

The Board also has the function of issuing advice and recommendations to the Scottish Ministers in relation to the strategic development of smart ticketing in Scotland. The National Smart Ticketing Advisory Board (Scotland) Regulations 2023 establishes the Board and makes further provision about the Board.

The 2018 Act is intended to help address the historic and persistent underrepresentation of women in public life. The 2018 Act does this by setting a gender representation objective for a public board that it has 50% of non-executive members who are women. The 2018 Act imposes duties relating to the achievement of the gender representation objective on public authorities listed in schedule 1 of the Act, and the Act also imposes duties on appointing persons for public boards (defined by section 2 of the 2018 Act) relating to the achievement of the gender representation objective. By adding NSTAB to schedule 1 of the 2018 Act, the Board will become subject to those duties and the Scottish Ministers will become subject to duties as the "appointing person" for NSTAB.

Our evidence showed that as of March 2021, 45% of public appointees were women, a small increase on the figure for 2019/20 (44%). In 2020-2021, 46% of the Scottish Government Director-General Economy public appointees were women. As such, adding NSTAB to the 2018 Act should further support public boards to achieve the gender representation objective, and empower more women to apply and be appointed to public boards.

Women in Transport, Sustrans, and United Nations Economic Commission are some bodies that have called for greater representation of women in transport planning and delivery. Women in Transport state that, "Women make up 47 per cent of the UK workforce yet remain underrepresented in the transport sector accounting for only 20 per cent of workers"<sup>1</sup>.

In 2018, Sustrans called for better representation of women in transport planning and delivery in Scotland: "The report also found that there is a lack of evidence to show how women participate in creating transport policy and planning in the UK. Currently, transport has the lowest percentage of women in senior posts within the public sector in Scotland, with women representing only 6.25% of heads of transport bodies. In addition, the transport sector accounts for only 22% of female workers UK-wide"<sup>2</sup>.

The United Nations Economic Commission for Europe states that, "Transport is a traditionally male-dominated sector, both from an employment point of view and for the values it embodies"<sup>3</sup>. It also states that for transport policy to be more responsive to the needs of women, it requires that women are represented in each step of the transport investment planning and design process.

The 2011 Scottish Census found that women accounted for 24% of all people employed in the 'Transport and Communications' industry. The sector ranked 7 out

---

<sup>1</sup> Women in Transport

<sup>2</sup> Sustrans calls for equal representation of women in transport - [Sustrans.org.uk](https://www.sustrans.org.uk)

<sup>3</sup> Gender and transport | UNECE

of 9 for percentage of women and scored 7th for gender balance (industry closest to 50% men and women)<sup>4</sup>.

As a new public body, NSTAB should lead the way in improving gender balance in the transport industry, helping to make policy making more inclusive and representative of the population of Scotland, and being a role model for the industry, encouraging women to work in transport.

## Consultation

The consultation held on the membership of the National Smart Ticketing Advisory Board did not raise any significant concerns around gender representation, but some did remark about equality more widely. The consultation completed for the 2018 Act found that overall, that there was general support for the proposals and of what the Act sought to achieve.

## Impact Assessments

The impact of the policy of establishing the NSTAB is included in the impact assessments accompanying the National Smart Ticketing Advisory Board (Scotland) Regulations 2023. The impact of adding NSTAB to the 2018 Act is considered in the following impact assessments:

- [Equality Impact Assessment \(EqIA\)](#)  
The EqIA considers the gender balance of women in the transport sector and on public boards and considers how adding NSTAB to the 2018 Act supports progress in gender representation in the transport sector.
- [Business Regulatory Impact Assessment \(BRIA\)](#) (Combined to form single BRIA and accompanies the National Smart Ticketing Advisory Board (Scotland) Regulations 2023)  
Adding NSTAB to the 2018 Act does not result in new policy, however, the costs for adding NSTAB to the 2018 Act has been considered within the BRIA and uses the BRIA developed for the passing of the 2018 Act as reference. It found that public authorities could experience minimal costs in the areas of childcare expenses and awareness raising/outreach events.

Other impact assessments were considered as part of the wider policy for establishing NSTAB but did not progress past screening. These are considered in the policy note for the National Smart Ticketing Advisory Board (Scotland) Regulations 2023.

## Financial Effects

A combined Business and Regulatory Impact Assessment (BRIA) has been completed for the establishment of NSTAB, including consideration of adding NSTAB to the 2018 Act. It found that public authorities could experience minimal costs in the areas of childcare expenses and awareness raising/outreach events.

---

<sup>4</sup> Home | Scotland's Census (scotlandscensus.gov.uk)

Scottish Government  
Bus, Accessibility and Active Travel  
March 2023

## Scottish Government - Other documents

- [Business and Regulatory Impact Assessment \(legislation.gov.uk\)](#)
- [Equality Impact Assessment \(legislation.gov.uk\)](#)

## Annexe B

Consideration by the Delegated Powers and Law Reform Committee – correspondence with the Scottish Government included in the Committee’s [report published 19 April 2023](#)

### **National Smart Ticketing Advisory Board (Gender Representation on Public Boards) (Scotland) Regulations 2023 (SSI 2023/Draft)**

On 21 March 2023, the Committee asked the Scottish Government:

This instrument is due to come into force on 26 May 2023. On that date it makes the National Smart Ticketing Advisory Board (“the Board”) subject to the requirements of the Gender Representation on Public Boards (Scotland) Act 2018. The Board itself will be established on 12 May 2023, at which point the power to appoint members to the Board comes into force (under the National Smart Ticketing Advisory Board (Scotland) Regulations 2023 (SSI 2023/80)). The power to appoint members to the Board will therefore exist for two weeks before the requirement comes into force that the appointments process must comply with the 2018 Act. Is this in line with the policy intention?

On 28 March 2023, the Scottish Government responded:

This is in line with the policy intention. This instrument and SSI 2023/80 are connected, and, in light of that fact, it was considered appropriate to lay both instruments on the same date. When choosing the coming into force date for each instrument, the Scottish Government’s intention was simply to have each instrument come into force at the earliest opportunity while complying with the applicable laying requirements. It is the Scottish Government’s intention that the process for appointing members to the Board will be subject to the requirements of the Gender Representation on Public Boards (Scotland) Act 2018. The Scottish Government does not intend to make any appointments to the Board until the Parliamentary process for this instrument is complete.