

# Proposed Wellbeing and Sustainable Development (Scotland) Bill



A proposal for a Member's Bill to ensure policy development and implementation by public bodies is in line with principles of sustainable development and wellbeing by introducing a duty for public bodies to promote these principles and establishing a Commissioner for sustainable development and wellbeing.

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## Foreword



At its establishment, the Scottish Parliament was about affecting real, positive change in people's day to day lives. As part of the Governance of Scotland Project by the John Wheatley Centre and supported by the Joseph Rowntree Reform Trust, I chaired the group that produced the report, *Working for Sustainability: An Environmental Agenda for a Scottish Parliament*. The report commented that:

“There are enormous differences in the quality of environment experienced in Scotland affecting people's life chances and health. A broader sustainable development framework will let the Scottish Parliament explore these links and develop a more effective response to deep rooted problems such as fuel poverty, poor health and diet, and lack of economic opportunity that characterise the lives of many people.”<sup>1</sup>

As Scotland's first minister for Transport and the Environment, I was given the opportunity to make that change happen and can point to many policy, and legislative, successes that made a difference for that generation and the generations who have followed. There was also the establishment of the Sustainable Development Commission in 2000, an independent non-departmental public body which at the time supported innovative work by the UK, Welsh, Scottish and Northern Irish governments. However, short-term wins are too often prized over long-term strategy. Since my time as minister, the Scottish Parliament has passed two climate change bills, and just last year Glasgow hosted the world's largest climate event, COP26. Moving forward, what is becoming clear is that we need to work together across every area to meet our targets and make that work coherent.

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<sup>1</sup> John Wheatley Centre (Scotland), Joseph Rowntree Reform Trust & Governance of Scotland Project (1997), *Working for sustainability: an environmental agenda for a Scottish Parliament*, John Wheatley Centre Edinburgh

The climate emergency demonstrates in real terms the consequences of short-termism. We are now seeing the knock-on impact that past “wins” are having on the generations of today. The decades that it took to respond to the climate emergency meant valuable time needed to reduce carbon emissions and protect our planet was wasted. The consequences of our slow response are being felt in Scotland, but they have had devastating global consequences. Climate change is now felt most acutely by populations in less economically developed countries across the globe that are, in fact, those that have done the least to aggravate it.

Moreover, the COVID-19 pandemic underlined the strong link between positive health and wellbeing. As we build towards a sustainable future it is vital that we learn the lessons of the pandemic, linking wellbeing and sustainable development to ensure better, healthier lives for all.

This Member’s Bill proposal aims to introduce a Wellbeing and Sustainable Development (Scotland) Act that will renew and further Scotland’s commitment to sustainable development, introduce a Wellbeing and Sustainable Development Commissioner, and place duties on public sector bodies to ensure that decisions are sustainable, without negatively impacting on the wellbeing of future generations. This consultation builds on research by Scotland’s International Development Alliance (SIDA) and the calls from individuals and organisations who are ambitious about what Scotland can achieve when we work cohesively. <sup>2</sup>

This is neither a new nor untested idea. In Wales, a Future Generations Commissioner was established by the Well-being of Future Generation (Wales) Act 2015. <sup>3</sup> This was a global first and has already made a difference in embedding Sustainable Development Goals. <sup>4</sup> In the House of Lords, there is also a Wellbeing of Future Generations Bill, which has been introduced by Lord Bird. <sup>5</sup>

While there is much to learn from the Welsh 2015 Act and the legislation being proposed in the UK Parliament, any new Bill introduced in Scotland must be focused on addressing our needs and reflecting on existing Scottish legislation and policy. I want to hear from citizens and organisations in Scotland on how we can ensure there is robust legislation to ensure the decisions taken today protect the needs and interests of future generations, to improve the wellbeing of citizens in Scotland, and

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<sup>2</sup> Scotland’s International Development Alliance, ‘Towards a Wellbeing and Sustainable Development (Scotland) Bill’, 2022, [https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD\\_Bill\\_Report\\_May2022\\_final WEB.pdf](https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD_Bill_Report_May2022_final_WEB.pdf)

<sup>3</sup> Welsh Government, ‘The Well-being of Future Generations’, <https://gov.wales/well-being-of-future-generations-wales>

<sup>4</sup> Senedd Research, ‘Delivering for future generations: what are the barriers to implementing the world’s first Well-being of Future Generations Act?’, 2021, <https://research.senedd.wales/research-articles/delivering-for-future-generations-what-are-the-barriers-to-implementing-the-world-s-first-well-being-of-future-generations-act/>, [accessed 1 December 2022] ; WWF Cymru, ‘A ‘game changer’ for future generations? Welsh Government’s response to the Wellbeing of Future Generations Act’, 2017, <https://www.wwf.org.uk/sites/default/files/2018-11/Welsh%20Government%20WBFGA%20Annual%20Report%20Jan%202018.pdf>

<sup>5</sup> Wellbeing of Future Generations Bill [HL], <https://Bills.parliament.uk/Bills/2869>

to embed Sustainable Development Goals. This proposed legislation aims to have a global impact and I would therefore also encourage people from across the world to share best practice, and feed-in to the process as much as possible.

Sarah Boyack MSP  
14 December 2022

# How the Consultation Process works

This consultation relates to a draft proposal I have lodged as the first stage in the process of introducing a Member's Bill in the Scottish Parliament. The process is governed by Chapter 9, Rule 9.14, of the Parliament's Standing Orders which can be found on the Parliament's website at: [Scottish Parliament Standing Orders](#).

I want to ensure that this consultation is as open and wide-ranging as possible. It is my belief that the best legislation is that which incorporates as many views as possible.

At the end of the consultation period, all the responses will be analysed. I then expect to lodge a final proposal in the Parliament along with a summary of those responses. If that final proposal secures the support of at least 18 other MSPs from at least half of the political parties or groups represented in the Parliamentary Bureau, and the Scottish Government does not indicate that it intends to legislate in the area in question, I will then have the right to introduce a Member's Bill. A number of months may be required to finalise the Bill and related documentation. Once introduced, a Member's Bill follows a 3-stage scrutiny process, during which it may be amended or rejected outright. If it is passed at the end of the process, it becomes an Act.

At this stage, therefore, there is no Bill, only a draft proposal for the legislation.

The purpose of this consultation is to provide a range of views on the subject matter of the proposed Bill, highlighting potential problems, suggesting improvements, and generally refining and developing the policy. Consultation, when done well, can play an important part in ensuring that legislation is fit for purpose.

The consultation process is being supported by the Scottish Parliament's Non-Government Bills Unit (NGBU) and will therefore comply with the Unit's good practice criteria. NGBU will also analyse and provide an impartial summary of the responses received.

Details on how to respond to this consultation are provided at the end of the document.

Additional copies of this paper can be requested by contacting me at:

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Enquiries about obtaining the consultation document in any language other than English or in alternative formats should also be sent to me. An on-line copy is available on the Scottish Parliament's website <https://www.parliament.scot/> under Bills and Laws/Proposals for Bills.

# Aim of the Proposed Bill

There are three broad aims to this proposal:

1. The proposed Bill would place new definitions of sustainable development and wellbeing into legislation
2. The proposed Bill would establish a Wellbeing and Sustainable Development Commissioner
3. The proposed Bill would introduce new public duties in relation to sustainable development and wellbeing based on these new definitions.

## Background

I believe that the concepts of wellbeing and sustainable development are inextricably linked and, as set out by SIDA, that the “wellbeing of humanity depends, more than ever, on whether our societies can adopt more sustainable models of development”.<sup>6</sup>

Ahead of the Scottish Parliament election in 2021, over 100 organisations and individuals who share this view sent an open letter through the SDG Network Scotland to party leaders calling for a Wellbeing and Sustainable Development (Scotland) Bill to be introduced during this parliamentary session. They said that the Bill should explicitly prioritise wellbeing and sustainable development in policy and public sector practice, and that this was essential to ensure that policymakers do not “contribute to making our planet uninhabitable through irreversible biodiversity loss and climate chaos” or “leave anyone behind or lose sight of what is important in terms of our individual and collective wellbeing”.<sup>7</sup>

In July 2015, the First Minister announced that Scotland would sign up to the United Nations Sustainable Development Goals (SDGs)<sup>8</sup> which were adopted by the UN 2015.<sup>9</sup>

The Scottish Government uses the National Performance Framework (NPF) to reflect the SDGs in a Scottish context. The Framework’s stated purpose is to:

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<sup>6</sup> Scotland’s International Development Alliance, ‘Towards a Wellbeing and Sustainable Development (Scotland) Bill’, 2022, p. 6, [https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD\\_Bill\\_Report\\_May2022\\_final\\_WE\\_B.pdf](https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD_Bill_Report_May2022_final_WE_B.pdf)

<sup>7</sup> SDG Network Scotland, ‘Wellbeing and Sustainable Development (Scotland) Bill’, 2021, <https://globalgoals.scot/wp-content/uploads/2021/01/Letter-to-Scottish-Party-Leaders-Wellbeing-and-Sustainable-Development-Scotland-Bill.docx.pdf>

<sup>8</sup> Scottish Government, ‘International development’, 2021, <https://www.gov.scot/policies/international-development/>

<sup>9</sup> The United Nations, ‘The 2030 Agenda for Sustainable Development’, 2015, <https://sdgs.un.org/sites/default/files/publications/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>

“focus on creating a more successful country with opportunities for all of Scotland to flourish through increased wellbeing, and sustainable and inclusive economic growth”.<sup>10</sup>

To achieve its purposes, the NPF sets out National Outcomes. The requirement to produce national outcomes was put on a statutory footing by the Community Empowerment (Scotland) Act 2015.<sup>11</sup> Many stakeholders welcomed this move and believed it would be of benefit, however, it has also been suggested that this alone is not enough.

For example, Keep Scotland Beautiful has commented that the Community Empowerment (Scotland) Act 2015:

“...only requires Scottish Ministers to consult on, develop and publish a new NPF every five years. It does not require public bodies, the Scottish Parliament or local authorities to consult on the way we measure progress towards those national outcomes, nor does it require institutions to assess the impact of their decisions and actions against the 11 National Outcomes. There is also limited understanding of how progress on different outcomes impact upon one another. This act alone, then, cannot ensure a coherent approach to policymaking towards the realisation of the national outcomes contained within the NPF, nor the broader SDGs.”<sup>12</sup>

The UK Government has also been supportive of realising SDGs. However, in 2016, the House of Commons’ the International Development Select Committee found that there was a lack of policy coherence and that there was a lot more work to be done in embedding SDGs, particularly domestically.<sup>13</sup> Given the lack of coherence across the policy context, SIDA has published research carried out by John Davis, Ishani Erasmus, Graham Long, Sean Molloy, and Zoe Russell,<sup>14</sup> which lays out a blueprint for a Wellbeing and Sustainable Development (Scotland) Bill – a Bill that would build on the work already carried out in Scotland to embed consideration of the impact on future generations in policymaking, learn from work being carried out elsewhere and continue Scotland’s work in taking forward long-term sustainable decisions.

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<sup>10</sup> The Scottish Government, ‘The National Performance Framework’, 2018, [https://nationalperformance.gov.scot/sites/default/files/documents/NPF\\_A2\\_Poster.pdf](https://nationalperformance.gov.scot/sites/default/files/documents/NPF_A2_Poster.pdf)

<sup>11</sup> Community Empowerment (Scotland) Act 2015, <https://www.legislation.gov.uk/asp/2015/6/contents/enacted>

<sup>12</sup> Keep Scotland Beautiful, ‘Wellbeing and Sustainable Development (Scotland) Bill’, 2021, <https://www.keepsotlandbeautiful.org/news/jan-2021/wellbeing-and-sustainable-development-scotland-Bill/>

<sup>13</sup> House of Commons, ‘UK implementation of the Sustainable Development Goals’, International Development Select Committee, 2016, <https://publications.parliament.uk/pa/cm201617/cmselect/cmintdev/103/103.pdf>

<sup>14</sup> Scotland’s International Development Alliance, ‘Towards a Wellbeing and Sustainable Development (Scotland) Bill’, 2022, [https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD\\_Bill\\_Report\\_May2022\\_final\\_WE\\_B.pdf](https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD_Bill_Report_May2022_final_WE_B.pdf)



The report sets out five key policy aims:

1. Establish a clear definition of sustainable development (SD), with policy coherence for sustainable development as a key component of it.
2. Strengthen Scotland's national outcomes, placing them at the service of delivering SD through a 'policy-coherent' approach, while strengthening public and parliamentary consultation requirements, and improving reporting and scrutiny processes.
3. Ensure the numerous existing statutory SD duties on public bodies in Scotland are clear, have the requisite priority, and that duty-bearers can be provided with the support and capacity building they need.
4. Support the transition towards a wellbeing economy in Scotland that fosters sustainable development and wellbeing.
5. Establish a support and accountability structure with a Wellbeing and Sustainable Development Commissioner placed at its heart.

SIDA contends that the introduction of a Wellbeing and Sustainable Development Bill "could trigger a step change that ensures sustainable development and wellbeing become the unequivocal drivers of policy and practice across public life in Scotland".<sup>15</sup> While my proposal will not exactly replicate SIDA's research, it has helped to inform my consideration of what I intend to include within the parameters of my proposed Bill.

## **Legislative and policy context in Scotland**

Over the lifetime of the Scottish Parliament, legislation has been passed that has furthered Scotland's commitment to tackling climate change, supporting sustainable development, and promoting wellbeing. In this sense we have been on a journey. My Bill proposal will build on the legislation already in place. For example, the Community Empowerment (Scotland) Act 2015 was passed with the aim of strengthening the voices of community bodies in decisions about public services. Part 1 of the Act included provision requiring the Scottish Ministers to set 'National Outcomes for Scotland' following consultation with community stakeholders and the Scottish Parliament with the purpose of reducing inequalities. As a consequence, public bodies must then have regard to National Outcomes when carrying out their devolved functions. The National Outcomes are established through the NPF and seek to embed the UN sustainable development goals and priorities, including health and wellbeing at national and local level,<sup>16</sup> and preserving planetary resources for future generations.<sup>17</sup>

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<sup>15</sup> Scotland's International Development Alliance, 'Towards a Wellbeing and Sustainable Development (Scotland) Bill', 2022, p. 3,

[https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD\\_Bill\\_Report\\_May2022\\_final\\_WE\\_B.pdf](https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD_Bill_Report_May2022_final_WE_B.pdf)

<sup>16</sup> Scottish Government, 'National Outcomes: Health', <https://nationalperformance.gov.scot/national-outcomes/health>

<sup>17</sup> Scottish Government, 'National Outcomes: Environment', <https://nationalperformance.gov.scot/national-outcomes/environment>

Stakeholders have told me informally that they welcomed the Community Empowerment (Scotland) Act 2015, but that Part 1 of it does not go far enough in ensuring sustainable development and promoting wellbeing are at the heart of policy development and decision making. SIDA, for example, has called for the process by which the National Outcomes are set to be amended so that it clearly demonstrates how these outcomes will serve to support sustainable development.<sup>18</sup>

Elsewhere, the Climate Change (Scotland) Act 2009 legislated for public bodies to act “in a way that it considers is most sustainable”, while the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which amended the Climate Change Act, has been considered world-leading in its ambition to increase Scotland’s emissions reduction targets to net zero by 2045. Section 44 of the Climate Change Act sets out the duties conferred on public bodies relating to climate change – that public bodies must act “in a way that it considers is most sustainable”, and that emissions target setting must consider the “likely impact of the target on the achievement of sustainable development”.<sup>19</sup> Section 47 of the Climate Change Act 2009 includes provision for the Scottish Ministers to designate one or more persons or bodies to monitor whether relevant public bodies are complying with climate change duties. While public bodies must report on progress toward meeting climate targets, there is currently no singular oversight body designated for this purpose.

Other legislation:

- includes sustainable development as an overarching purpose, aim or function (e.g. the National Parks (Scotland) Act 2000)
- confers sustainable development duties (e.g. the Water Industry (Scotland) Act 2002)
- or requires sustainable development reporting (e.g. the Scottish National Investment Bank Act 2020).<sup>20</sup>

However, it is my belief that current legislation that references, or simply includes, clauses related to sustainable development do not go far enough and that sustainable development and wellbeing, although referenced as policy outcomes, are not given sufficient focus in policy delivery due to the lack of a statutory definition setting out what these terms mean in application. It is my view that a separate piece of legislation setting out these definitions and public duties in relation to sustainable

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<sup>18</sup> Scotland’s International Development Alliance, ‘Towards a Wellbeing and Sustainable Development (Scotland) Bill’, 2022, [https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD\\_Bill\\_Report\\_May2022\\_final\\_WEB.pdf](https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD_Bill_Report_May2022_final_WEB.pdf)

<sup>19</sup> Scottish Government, ‘Public Bodies Climate Change Duties: Putting them Into Practice’, 2011, <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2011/02/public-bodies-climate-change-duties-putting-practice-guidance-required-part/documents/0113071-pdf/0113071-pdf/govscot%3Adocument/0113071.pdf>

<sup>20</sup> Scotland’s International Development Alliance, ‘Towards a Wellbeing and Sustainable Development (Scotland) Bill’, 2022, [https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD\\_Bill\\_Report\\_May2022\\_final\\_WEB.pdf](https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD_Bill_Report_May2022_final_WEB.pdf)

development and wellbeing would strengthen that focus and build on this existing legislation, and that this new legislation should have the effect of requiring that any existing legislation that references these terms is updated to ensure coherent legislation.

## **Scottish Government actions**

The Scottish Government intimated in its 2021-22 Programme for Government that it would consult on introducing a Wellbeing and Sustainable Development Bill:

“We will further develop the use of our National Performance Framework through the upcoming review of National Outcomes and through consultation on a Wellbeing and Sustainable Development Bill.”<sup>21</sup>

However, this commitment did not explicitly feature in the 2022-23 Programme, although the First Minister did state:

"We will also explore how to ensure the interests of future generations are taken into account in decisions made today. This may include placing duties on public bodies and local government to take account of the impact of their decisions on wellbeing and sustainable development, and the creation of a Future Generations' Commissioner." <sup>22</sup>

More recently, in response to a parliamentary written question that I lodged asking for detail on the Scottish Government's plans to consult on its Programme for Government commitment to establish a Future Generations Commissioner, Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights, Patrick Harvie MSP, responded:

“The Scottish Government is considering the case for a Scottish future generations commissioner as part of a package of measures to embed the interests of future generations in the creation and delivery of policy. This may include placing duties on public bodies to account for the impact of their decisions on wellbeing and sustainable development.

This work is being taken forward as part of the development of the Scottish Government's proposed Wellbeing and Sustainable Development (Scotland) Bill.

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<sup>21</sup> Scottish Government, 'A fairer, greener Scotland', 2021, <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/09/fairer-greener-scotland-programme-government-2021-22/documents/fairer-greener-scotland-programme-government-2021-22/fairer-greener-scotland-programme-government-2021-22/govscot%3Adocument/fairer-greener-scotland-programme-government-2021-22.pdfv.scot>,

<sup>22</sup> Scottish Government, A stronger and more resilient Scotland: the Programme for Government 2022 to 2023, 2022, <https://www.gov.scot/publications/stronger-more-resilient-scotland-programme-government-2022-23/documents/>

We intend to set out more detailed proposals later this year.”<sup>23</sup>

It therefore remains unclear whether the Scottish Government plans to bring forward a Bill in this area and, if so, whether such a Bill would be introduced during this parliamentary session. For that reason, I am seeking to lodge my proposal for a Bill to ensure that this issue is moved forward and progressed.

## Comparative legislation

Scotland is not alone in exploring how it can go further in embedding sustainable development in policy and practice and ensuring that the wellbeing of citizens and future generations is at the forefront of the decisions we make. In 2015, the Welsh Parliament (Senedd) passed the Well-being of Future Generations (Wales) Act 2015.<sup>24</sup> The Act’s provision includes requiring public bodies to do things in pursuit of the economic, social, environmental and cultural wellbeing of Wales in a way that accords with the sustainable development principle, putting in place wellbeing goals, and the establishment of a Future Generations Commissioner for Wales.

This Commissioner has supported public sector authorities to make better decisions and ensure they are improving wellbeing and sustainability. In addition, the Commissioner can encourage innovation and constructively challenge politicians and public sector bodies to be bold in their decision making including in relation to tackling poverty<sup>25</sup> and re-thinking work/life balance.<sup>26</sup>

In the UK Parliament, Lord Bird has introduced a Private Member’s Bill<sup>27</sup> with the aim of making provision for a public consultation to lead to the establishment of national wellbeing goals, place duties on public authorities and establish a UK Future Generations Commissioner. The Bill has passed through the House of Lords and is now being considered by the House of Commons. Both the 2015 Welsh Act and the Private Member’s Bill put in place definitions for sustainable development. While wellbeing is not defined in the Welsh Act, it does, in setting public body sustainability duties, require each public body to set “well-being objectives” that are designed to maximise a public body’s contribution to achieving each of the wellbeing goals.

Internationally, there are a number of countries and international organisations that have legislated in this area, particularly in defining sustainable development.

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<sup>23</sup> S6W-11088, The Scottish Parliament, <https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-11088>,

<sup>24</sup> National Assembly for Wales, ‘The Well-being of Future Generations (Wales) Act 2015’, <https://www.legislation.gov.uk/anaw/2015/2/contents/enacted>

<sup>25</sup> Kelly, L. & Sivitanides, K, ‘Poverty kills: Sophie Howe on fronting the fight for future generations’, 2022, <https://www.bigissue.com/news/politics/poverty-kills-sophie-howe-on-fronting-the-fight-for-future-generations/>

<sup>26</sup> Business News Wales, ‘Welsh Future Generations Commissioner Urges 4-Day Week Trial’, 2022, <https://businessnewswales.com/future-generations-commissioner-calls-for-shorter-working-week-trial/>

<sup>27</sup> Wellbeing of Future Generations Bill [HL], <https://publications.parliament.uk/pa/Bills/cBill/58-02/0253/210253.pdf>

In the Republic of Korea, the Sustainable Development Act 2007 provides for:

- A definition of sustainability and sustainable development
- The assessment of sustainable development and reporting requirements.
- The establishment of a Commission on Sustainable Development.
- The dissemination of knowledge and information on Sustainable Development.
- Programmes for sustainable development and publicity.
- Co-operation between local and national governments on sustainable development, as well as the international community.<sup>28</sup>

It is also not unusual for different levels of government to legislate in this area. In Minnesota, the Sustainable Development Act 1996 puts in place a legislative definition of sustainable development at a state, rather than federal, level.<sup>29</sup>

While this proposal will not seek to exactly replicate any other nation's comparative legislation, it will look to build on the local research base and the experience of other nations to produce a Bill tailored to the needs of Scotland and its specific sustainable development and wellbeing landscape.

## **Detail of the proposed Bill**

As mentioned previously, there are three broad aims to this proposal: to place new definitions of sustainable development and wellbeing into legislation; to establish a Wellbeing and Sustainable Development Commissioner; and to introduce new public duties in relation to sustainable development and wellbeing based on these new definitions.

### **Sustainable Development definition**

Analysis by the Scottish Parliament Information Centre (SPICe) shows that 35 Scottish Parliament Acts (approximately 10%) contain references to sustainable development, including the Good Food Nation (Scotland) Act, which was passed in June 2022.<sup>30</sup> Details of these Acts are set out in the Annexe to this document.

Despite its inclusion in so many clauses and its prevalence within the policy landscape, as set out in the SPICe analysis, at present there is no definition of 'sustainable development' in Scottish legislation.

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<sup>28</sup> Sustainable Development Act 2015 (Republic of Korea),

[https://elaw.klri.re.kr/eng\\_service/lawView.do?hseq=37136&lang=ENG](https://elaw.klri.re.kr/eng_service/lawView.do?hseq=37136&lang=ENG)

<sup>29</sup> Sustainable Development Act of 1996 (Minnesota, USA), <https://www.eqb.state.mn.us/sustainable-development-act-1996>

<sup>30</sup> Good Food Nation (Scotland) Act 2022,

<https://www.legislation.gov.uk/asp/2022/5/contents/enacted>, [accessed 21 June 2022]

It is argued that, without a rigorous statutory definition, full implementation and monitoring of sustainable development is prevented.<sup>31</sup> By putting into law a definition of sustainable development, my Bill proposal aims to bring coherence to both interpretation and policy implementation across government and the public sector.

A number of definitions of sustainable development have been proposed or passed in other countries.

In Wales, The Well-being of Future Generations (Wales) Act 2015 defines it as:

“The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle aimed at achieving the well-being goals.”<sup>32</sup>

A recent evaluation of the Welsh Act has found that the inclusion of other concepts within the statutory definition such as the sustainable development principles and wellbeing goals has hindered the implementation of the Act.<sup>33</sup> This is due to the definition being found to be confusing and somewhat open to interpretation by public bodies and wider society in Wales.

The definition of sustainable development in Lord Bird’s Bill effectively mirrors the Welsh definition.<sup>34</sup> The only differences are where there are references to provisions within the respective legislation.

Internationally, other definitions have been used. In the Republic of Korea, the Sustainable Development Act 2007 defines sustainable development as:

“development based on sustainability that is implemented simultaneously in the pursuit of economic growth, social stability and integration, and the preservation of the environment.”<sup>35</sup>

In Minnesota, the Sustainable Development Act of 1996 defines it as:

“development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economics depend. Sustainable development meets

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<sup>31</sup> Purvis, B. et al. (2019), ‘Three pillars of sustainability: in search of conceptual origins’, *Sustainability Science*, 14(3): pp 681-695

<sup>32</sup> The Well-being of Future Generations (Wales) Act 2015, <https://www.legislation.gov.uk/anaw/2015/2/section/2/enactedon.gov.uk>

<sup>33</sup> Nelson, S. & MacKillop, E. (2021), ‘What matters in the implementation of sustainable development policies? Findings from the Well-being of Future Generations (Wales) Act, 2015’, *Journal of Environmental Policy & Planning*, 23(4): pp 432 – 445.

<sup>34</sup> House of Lords, ‘Wellbeing of Future Generations Bill [HL] Explanatory Notes’, 2021, <https://Bills.parliament.uk/publications/41931/documents/417>

<sup>35</sup> Sustainable Development Act 2015 (Republic of Korea), [https://elaw.klri.re.kr/eng\\_service/lawView.do?hseq=37136&lang=ENG](https://elaw.klri.re.kr/eng_service/lawView.do?hseq=37136&lang=ENG)

the needs of the present without compromising the ability of future generations to meet their own needs.”<sup>36</sup>

SIDA has recommended a definition of sustainable development for a Wellbeing and Sustainable Development Bill. Its proposed definition is:

“the development of human societies in ways which do not threaten planetary boundaries, and which equitably support the capability of present and future generations across the world that meet their needs.”<sup>37</sup>

In addition to the definition, it has proposed that eight key principles are included within legislation to help elaborate on the definition. These principles are:

1. respect for planetary boundaries<sup>38</sup> – including through preventative, precautionary, and regenerative approaches.
2. intra- and inter- generational equality and equity – to meet the needs of present generations without compromising the ability of future generations to meet their needs.
3. (human or social-ecological) wellbeing instead of economic growth as the core societal objective.
4. indivisibility and interdependence across public policy, requiring policy coherence for sustainable development in response.
5. doing no harm internationally and good global citizenship.
6. evidence-based policy making.
7. openness and transparency – the availability of information on efforts to achieve sustainable development is vital to engagement and accountability.
8. participation – to recognise that everyone in society has a role to play in working together to achieve sustainable development.<sup>39</sup>

I believe that the breadth of possible definitions of sustainable development outlined above and the current lack of a single, overarching statutory definition, despite the term’s use across a diverse range of legislation, demonstrates the need to establish a definition in legislation. I believe that doing so would aid the coherent application of sustainable development policies where these appear in Scottish legislation and across public policy, including through the NPF. This consultation will seek views on

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<sup>36</sup> Sustainable Development Act of 1996 (Minnesota, USA), <https://www.eqb.state.mn.us/sustainable-development-act-1996>

<sup>37</sup> Scotland’s International Development Alliance, ‘Towards a Wellbeing and Sustainable Development (Scotland) Bill’, 2022, p.4, [https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD\\_Bill\\_Report\\_May2022\\_final WEB.pdf](https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD_Bill_Report_May2022_final_WEB.pdf)

<sup>38</sup> Stockholm Resilience Organisation, ‘The Nine Planetary Boundaries’, <https://www.stockholmresilience.org/research/planetary-boundaries/the-nine-planetary-boundaries.html>

<sup>39</sup> Scotland’s International Development Alliance, ‘Towards a Wellbeing and Sustainable Development (Scotland) Bill’, 2022, p. 19, [https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD\\_Bill\\_Report\\_May2022\\_final WEB.pdf](https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD_Bill_Report_May2022_final_WEB.pdf)

a tangible definition that could be implemented in an effective way through a public duty (explored further below).

Given that ‘sustainable development’ appears in 35 Scottish Parliament Acts, the scale and challenge of amending each through a member’s Bill would be immense. Therefore, while this proposal does not seek to directly amend every relevant piece of legislation where the terms sustainable development and wellbeing occur, I would very much intend to ensure that the effect of this legislation would be that any existing legislation where there are references to terms such as sustainable development would need to be updated to ensure coherent legislation in this area. Not least this will be vital to ensure public bodies operating under the new duty imposed by my proposed Bill will have a clear legislative framework to operate within. I would welcome views on how this could be achieved.

## Wellbeing Definition

SIDA has also recommended that a Wellbeing and Sustainable Development (Scotland) Bill should provide a definition of wellbeing. Neither the Welsh Act nor the proposed Bill going through the UK Parliament define wellbeing. The *Cambridge Dictionary* defines wellbeing as, “the state of feeling healthy and happy.”<sup>40</sup> However, the dictionary definition does not capture the detail needed in a statutory definition and therefore needs to be expanded.

Learning from the Welsh experience, at present Wales uses different definitions of wellbeing in legislation. In analysis conducted on the implementation of the equivalent Welsh Act, it was noted that:

“the meaning of well-being in the Social Services and Well-being Act and the meaning of well-being in the Well-being of Future Generations Act is different, and that causes confusion. The meaning of integration, in the two Acts, is different. That definitely causes confusion.”

Given the above, I am hopeful that the establishment of a clear, overarching, definition of wellbeing in Scottish legislation could aid clarity, rather than cause confusion, for policymakers going forward.

To ensure a statutory definition of wellbeing is comprehensive, there are two main scientific concepts of wellbeing that I believe ought to be considered:

- **objective wellbeing** is the idea that wellbeing is the capability to satisfy our fundamental human needs. Wellbeing as capability is perhaps more important in policy terms, as it speaks to a policy prescription whereby the state has a responsibility to ensure that citizens are able to meet their needs and can choose which needs to meet or prioritise.
- **subjective wellbeing** is the idea that wellbeing is how one is feeling and is often described using terms like ‘life satisfaction’ and ‘happiness’. ‘Happiness’ can

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<sup>40</sup> Cambridge Dictionary, 2022, <https://dictionary.cambridge.org/dictionary/english/well-being>,



refer to immediate or short-term emotion, whereas life satisfaction generally relates to a longer-term assessment of how one finds one's life to be. <sup>41</sup>

Further to the objective/subjective understandings of wellbeing, Carnegie UK identifies four key elements of wellbeing as social progress:

- Social wellbeing – we have all our basic needs met
- Economic wellbeing – we all have a decent minimum standard of living
- Environmental wellbeing - we all live within the planet's natural resources
- Democratic wellbeing – we all have a voice in decisions that affect us. <sup>42</sup>

As demonstrated by the range and complexity of definitions of wellbeing outlined above, and the fact that comparative legislation has not sought to include a statutory definition alongside that of 'sustainable development', there is a clear challenge inherent to establishing a single, workable definition of wellbeing. This proposal recognises and seeks to face that challenge, and I would welcome views in response to this consultation on possible ways that this challenge could be overcome. I am therefore seeking views on a workable, applicable definition that can be established in legislation.

A similar challenge exists when attempting to define the related but distinct term 'wellbeing economy'. Although my proposed Bill does not seek to set a statutory definition of the this, it remains important to consider this given the term's use across Scotland's policy landscape and the interpretation that it is at odds with current measures of economic prosperity. I would absolutely envisage, if my proposal for a Bill is passed, that there would be a need for complementary policy work to embed practices based on the principles of a wellbeing economy.

There are 12 references to a 'wellbeing economy' in the 2021-22 Programme for Government. Two divergent statements in the Programme, highlight that the Scottish Government itself has no clear interpretation of the term

"building a wellbeing economy which secures sustainable, inclusive growth for everyone, in all parts of Scotland"; and

"a wellbeing economy: one that is environmentally sustainable, enables businesses to thrive and innovate, and tackles the social inequalities that have been exacerbated by the pandemic." <sup>43</sup>

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<sup>41</sup> Hagtvedt Vik, M & Carlquist, E (2017), *Measuring subjective well-being for policy purposes: The example of well-being indicators in the WHO "Health 2020" framework*, 46:2, <https://journals.sagepub.com/doi/full/10.1177/1403494817724952>

<sup>42</sup> Carnegie UK, 'Our Strategy for Change 2021. Learning how to live well together', 2021, [https://d1ssu070pg2v9i.cloudfront.net/pex/pex\\_carnegie2021/2021/08/09124822/Carnegie-UK-strategy-for-change-2021.pdf](https://d1ssu070pg2v9i.cloudfront.net/pex/pex_carnegie2021/2021/08/09124822/Carnegie-UK-strategy-for-change-2021.pdf)

<sup>43</sup> The Scottish Government, 'Programme for Government 2021-22', 2021, <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/documents/>

These two statements also stop short of including the global ambition for a fairer, equitable and sustainable wellbeing economy, which I believe is all the more important given the recent discussions at COP 26. For further background on the wellbeing economy, please see the annexe to this document.

The concept of a wellbeing economy is one that will continue to develop as lessons on best practice and sustainability are learned. By establishing definitions of both wellbeing and sustainable development, this proposed Bill seeks to underpin Scotland's wellbeing economy to ensure that both principles are central to its development.

## **Establishing a Commissioner**

### **Why a Commissioner is needed**

The second aim of my Member's Bill proposal is to establish a Wellbeing and Sustainable Development Commissioner. I believe that a Commissioner with this specific focus would champion a culture change across the public sector that embeds the principles of sustainable development and wellbeing at its heart, ensuring that the long-term impacts of decision making are always considered in the development of policy for the benefit of future generations.

The role of the Commissioner is inspired by the work of the Future Generations Commissioner for Wales (a post currently held by Sophie Howe) who, since 2016, has led high-profile interventions in areas including transport, planning and housing to ensure that Government decision making takes into account sustainability principles and wellbeing, and "ensuring that decisions taken today are fit for the future".<sup>44</sup>

In exercising their functions, the Welsh Commissioner can:

- Provide advice to Public Bodies and Public Services Boards
- Carry out reviews into how public bodies are taking account of the long-term impact of their decisions
- Make recommendations following a review

In 2021, the Senedd Public Accounts Committee concluded:

"The Commissioner and her office have developed a positive public profile and have effectively promoted and raised awareness of the Act. They have considerable expertise in sustainable development, which underpins the support and advice they provide to public bodies and the Welsh Government."<sup>45</sup>

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<sup>44</sup> Future Generations Commissioner for Wales, <https://www.futuregenerations.wales/about-us/future-generations-commissioner/>

<sup>45</sup> Senedd Public Accounts Committee, 'Delivering for Future Generations: The story so far', 2021, <https://senedd.wales/media/sjrp5vm0/cr-ld14223-e.pdf>

Recent achievements of the Welsh Commissioner through the implementation of the Well-being of Future Generations Act include her intervention in the promotion of a new transport strategy which focuses on active travel and public transport; a “future-focussed curriculum framed around well-being”; the provision of a framework for public services joint working in response to and in light of the challenges presented by COVID-19;<sup>46</sup> and the recent development of a solar farm at a hospital in Swansea which both supplies the hospital with power and makes a profit.<sup>47</sup>

This demonstrates that even in a short period of time, a Commissioner could make a real difference. While the Welsh Commissioner is called the ‘Future Generations Commissioner for Wales’, I am proposing that the Commissioner established by this proposed Bill be called the ‘Wellbeing and Sustainable Development Commissioner for Scotland’. This aligns with the recommendation made by SIDA that sustainable development be at the heart of the Commissioner’s work, which I believe is essential to ensuring the Commissioner can establish themselves as champion of sustainable decision making to help further our nation’s collective wellbeing both now and for the future.

However, I am also mindful of the fact that the term “Future Generations” encapsulates the interplay between sustainable development and wellbeing, and the use of this term not only in a Welsh context but across some areas of the Scottish policy landscape. I would therefore welcome views on proposed title of the Commissioner for Scotland.

## **Functions of the Commissioner**

I propose that the Commissioner would carry out the following functions:

- Powers of investigation and scrutiny, to ensure that the duties conferred by this Bill are being upheld and public bodies held to account
- Powers of investigation and scrutiny for oversight of other relevant Acts that confer sustainable development and wellbeing duties
- Build policy coherence across the public sector, ensuring that there is full understanding of how existing Acts will interact with the new sustainable development and wellbeing definitions this proposed Bill would establish
- Build the capacity of public bodies to implement their duties under section 44 of the Climate Change (Scotland) Act 2009 and undertake the role conferred by section 47 (in relation to the establishment of an oversight body) to monitor the implementation of climate change duties of public sector bodies

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<sup>46</sup> Future Generations Commissioner for Wales, Wales leading the way with Future Generations Legislation – UN plans to adopt Welsh Approach, 2021, <https://www.futuregenerations.wales/news/wales-leading-the-way-with-future-generations-legislation-un-plans-to-adopt-welsh-approach/>, [Accessed 12 October 2022]

<sup>47</sup> Welsh Government, ‘Solar farm powers Morriston Hospital for 50 hours without back-up from the grid in winter months’, 2022, <https://gov.wales/solar-farm-powers-morriston-hospital-50-hours-without-back-grid-winter-months> [Accessed 1 December 2022]; Future Generations Commissioner for Wales, Annual Report 20-21-2022, <https://senedd.wales/media/kciftogq/gen-ld15295-e.pdf>

- Carry out research into devolved matters where these relate to sustainable development and wellbeing, and provide advice to the Scottish Government and the Scottish Parliament as required
- Make recommendations to the Scottish Government and other public sector bodies
- Promote awareness and understanding by encouraging a change in culture to ensure the wellbeing of current and future generations is embedded within decision making
- Promote best practice and learning across the public sector in relation to wellbeing and sustainable development
- Be involved in legislative reviews and reform, and policy development where this relates to wellbeing and sustainable development
- Report to the Scottish Parliament
- Lay out a vision of how, cutting across government workstreams, sustainable development and wellbeing ought to look in the current, and future, legislative landscape.

I propose that the Commissioner would operate at an organisational level, for example by conducting investigations into how public bodies take into account duties relating to wellbeing and sustainable development in their decisions and actions. As such, I do not envisage the Commissioner undertaking investigations into individuals or handling complaints.

I am openminded as to how the Commissioner's role would operate in practice and am keen to ensure the right balance is struck in terms of the Commissioner's role and responsibilities.

## **Role of Audit Scotland/the Auditor General for Scotland**

I am also interested in learning from the experience of the Auditor General for Wales and their role in overseeing the application of wellbeing and sustainable development principles following the passage of the Welsh Act, and how this work sits alongside that of the Welsh Commissioner.

In the local context, Audit Scotland provides services to the Auditor General for Scotland, who holds overall responsibility for the audit of all public bodies in Scotland (except local authorities). This independent post was created under the Scotland Act 1998 with the aim of ensuring that public money is spent effectively, efficiently and properly.<sup>48</sup>

In Wales, in addition to auditing the accounts of Welsh public bodies, the Auditor General for Wales also examines the extent to which sustainable development principles have been applied where public bodies have set wellbeing objectives, investigates how the sustainable development principle fits with value for money, and seeks to coordinate with and complement the work of the Commissioner.

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<sup>48</sup> Audit Scotland, Auditor General, <https://www.audit-scotland.gov.uk/about-us/auditor-general>, [Accessed 12 October 2022]

As set out in the Auditor General for Wales' first wellbeing of future generations report, "the Auditor General must look at the way public bodies have planned and carried out their work, while the Commissioner must look at what they have achieved".<sup>49</sup> The Commissioner and Auditor General work closely together in developing their statutory reports, and the findings of the Auditor General help inform recommendations made by the Commissioner.

A Memorandum of Understanding outlining how the Commissioner and Auditor General coordinate their work sets out the approach taken to ensuring that both organisations maximise their effectiveness and make best use of shared resources and collective expertise. It states that the Commissioner and Auditor General will:

- "work together to develop a common view of what good practice could look like and to identify and promote good practice.
- work together to avoid placing confusing or competing expectations on public bodies.
- apply an approach to review that recognises the importance of failure as part of learning and improvement.
- continue to build relevant knowledge and expertise within our organisations and will share that to help other organisations.
- share and take account of one another's work, so as to help ensure that we have the right information to undertake our respective responsibilities to best effect.
- seek to place reliance on one another's work where appropriate, pooling our respective expertise and knowledge.
- seek to ensure that work we do in each public body is joined-up and complementary"<sup>50</sup>

Audit Scotland's functions do currently go beyond ensuring value for money, with the organisation already performing a role in scrutinising the performance of public bodies in Scotland. For example, Audit Scotland also works with other scrutiny bodies to ensure that the scrutiny of public sector bodies is as proportionate and targeted as possible with regards to identified risks. Along with the Auditor General for Scotland and the Accounts Commission (which Audit Scotland provides services to), it also examines progress on key policy commitments and public services' ability to deliver on long-term strategic priorities and outcomes, with key areas of focus including community empowerment and climate change. Its current work programme also includes examining the impact of COVID-19 on different groups in society, with the aim of helping "to ensure public bodies address inequalities and protect human

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<sup>49</sup> Audit Wales, 'So, what's different? Findings from the Auditor General's Sustainable Development Principle Examinations', 2020, [https://www.audit.wales/sites/default/files/Well-being-of-Future-Generations-report-eng\\_11.pdf](https://www.audit.wales/sites/default/files/Well-being-of-Future-Generations-report-eng_11.pdf)

<sup>50</sup> Auditor General for Wales, Memorandum of Understanding between the Auditor General for Wales and Future Generations Commissioner for Wales, <https://www.audit.wales/sites/default/files/2020-12/Memorandum-of-Understanding-eng.pdf>

rights, recognising the multiple ways people experience disadvantage and poorer outcomes”.<sup>51</sup>

Given the above, there could be room for joint working to ensure the Scottish Government’s sustainable development and wellbeing commitments are realised across the public sector. This could range from the Commissioner advising Audit Scotland on how to expand its work to scrutinise wellbeing, sustainable development goals and climate change targets, or Audit Scotland and the Commissioner carrying out joint audits. I would welcome views on whether the Welsh model could effectively be replicated in Scotland and whether a similar model should be considered for inclusion in this proposed Bill.

## **Approaches to Accountability**

I propose that the Commissioner would be independent of the Scottish Government and accountable to the Scottish Parliament. There are different options as to what model this accountability could take, whilst protecting the operational independence of the Commissioner. These are explored below.

The seven independent officeholders (Commissioners and Ombudsmen) operating in Scotland at present are appointed by the Scottish Parliamentary Corporate Body (SPCB), which sets the terms and conditions of the appointment of each officeholder and their annual budget. The appointment must then be approved by the Scottish Parliament.

The Future Generations Commissioner for Wales office was established as a ‘corporation sole’, meaning that all the functions (powers and duties) are vested in the office holder – as such, there is no traditional board that takes corporate responsibility for the organisations’ performance and governance. Although independent, the office is funded by the Welsh Government, however there have been calls in previous parliamentary sessions for this funding structure to be reviewed and for Welsh Commissioners to be appointed and funded by the Senedd instead to ensure that this independence is safeguarded.<sup>52</sup> Schedule 2 of the Welsh Act sets out that each financial year, the Commissioner “must prepare an estimate of the income and expenses of the Commissioner and the Commissioner’s staff” and submit this to Welsh Ministers. The estimate is examined and then submitted by the Welsh Ministers to the Welsh Parliament with any modifications considered appropriate by Government.<sup>53</sup>

The Commissioner’s office is accountable to the Welsh Parliament for its actions, and to the Senedd Public Accounts Committee in particular “for matters such as the

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<sup>51</sup> Audit Scotland, ‘Our Work Programme’, <https://www.audit-scotland.gov.uk/our-work/our-work-programme>

<sup>52</sup> Senedd Research, Commissioners and the ombudsmen, 2016, <https://research.senedd.wales/research-articles/commissioners-and-the-ombudsman/>

<sup>53</sup> UK Government, Well-being of Future Generations (Wales) Act 2015, <https://www.legislation.gov.uk/anaw/2015/2/schedule/2/enacted>

arrangements for governance, financial management and internal control.”<sup>54</sup> The Committee can also report on the work of the Commissioner and recently conducted an inquiry into the barriers to implementation of the Welsh Act and how it can be implemented successfully going forward. Conclusions set out in the report included:

- “Public bodies have not done enough to build awareness and understanding amongst their service users of the shift to sustainable development across public services.”
- “The Future Generations Commissioner’s budget has not given her office sufficient capacity to provide public bodies with the levels of practical and sector-specific support that they have called for to implement the Act.”
- “The Commissioner and her office have developed a positive public profile and have effectively promoted and raised awareness of the Act. They have considerable expertise in sustainable development, which underpins the support and advice they provide to public bodies and the Welsh Government.”
- “Despite a slow start, the Welsh Government has made tangible progress in adopting the Act since around 2017.”<sup>55</sup>

I can see merit in both of the approaches to accountability outlined above, and I am openminded at this stage of the process as to how the Scottish Commissioner’s office would be most appropriately supported and the associated governance arrangements. I would therefore welcome views on the SPCB model or the potential role for the Scottish Parliament’s Public Audit Committee.

## Criteria for establishing new independent public bodies

In devising this proposal, the Six Design Principles that should feature in any proposal for an additional body or officeholder, which were developed by the Finance Committee and debated by Parliament in Session 2 of the Parliament, have been taken into account.<sup>56</sup> These principles are set out below, with detail included under each in relation to my vision for the Scottish Commissioner:

1. **Clarity of Remit:** a clear understanding of the office-holder’s specific remit.

The Commissioner would focus on the twin principles of wellbeing and sustainable development, which are essential for ensuring decisions are made with the best interests of future generations in mind. The breadth of the Commissioner’s remit has been set out earlier in this document.

I will seek to learn from the strengths of the Welsh Commissioner, whose general duties are set out as follows:

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<sup>54</sup> Future Generations Commissioner for Wales, ‘Annual Report 2022-2021’,

<https://www.futuregenerations.wales/wp-content/uploads/2021/08/FG-AR-2021-v7-FINAL.pdf>

<sup>55</sup> Senedd Cymru, Public Accounts Committee, ‘Delivering for Future Generations: The story so far’, 2021, <https://business.senedd.wales/documents/s500006899/Committee%20Report%20-%20Delivering%20for%20Future%20Generations%20The%20story%20so%20far%20March%202021.pdf>

<sup>56</sup> The Scottish Parliament, Finance Committee, ‘Inquiry into Accountability and Governance’, 2006, <https://archive.parliament.scot/business/committees/finance/reports-06/fir06-07-Vol01-00.htm>

“Promote the sustainable development principle, in particular to act as a guardian of the ability of future generations to meet their needs and encourage public bodies to take greater account of the long-term impact of the things they do.”

“Monitor and assess the extent to which well-being objectives set by public bodies are being met.”<sup>57</sup>

The Scottish Commissioner’s remit will differ to ensure it best meets the Scottish context.

The Commissioner would be required to prepare and publish a report on an annual basis. The report could include details on the following:

- An overall assessment of Scotland’s progress in embedding wellbeing and meeting sustainable development goals.
- The activities undertaken by the Commissioner over the reporting period to support and advise the Scottish Government and wider public sector.
- The activities undertaken in line with the Commissioner’s power of scrutiny and investigation.

2. **Distinction between functions:** a clear distinction between different functions, roles and responsibilities including audit, inspection, regulation, complaint handling and advocacy.

In the development of this member’s Bill proposal and learning from the input of stakeholders, I will work to ensure that the functions of the proposed Commissioner are clear and distinct. This will include – as set out above – how the Commissioner could work alongside the Auditor General for Scotland.

I envisage that the Scottish Commissioner will have the power to conduct reviews into the implementation of sustainable development and wellbeing duties by public bodies, through its powers of scrutiny and investigation, and could make recommendations in relation to the introduction of specific regulations. Advocacy would be a key role of the Commissioner in promoting wellbeing and sustainable development.

3. **Complementarity:** a dovetailing of jurisdictions creating a coherent system with appropriate linkages with no gaps, overlaps or duplication.

Policy coherence will be a key consideration of this proposal as it develops. Through this consultation process and continued engagement with stakeholders, including other Commissioners’ offices and the experience of the Welsh Commissioner, I will seek to ensure that the work of the Wellbeing and Sustainable Development Commissioner helps to build policy coherence across the public sector.

While wellbeing and sustainable development issues will undoubtedly be considered within the focus of other Commissioners in Scotland, I believe that the clear focus of

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<sup>57</sup> Future Generations Commissioner for Wales, <https://www.futuregenerations.wales/about-us/future-generations-commissioner/>



my proposed Commissioner and its role in embedding consideration of these across the public sector will complement the work of other Commissioners.

For example, the Children and Young People's Commissioner for Scotland will already consider the wellbeing of children and young people as part of its work. The proposed Wellbeing and Sustainable Development Commissioner would benefit this work through its oversight of the implementation of the duties set out in this proposed Bill, and compelling decision makers to consider sustainability and the wellbeing of young people at the outset of all policy development. Therefore, I see this Commissioner's work as complementary to that of other Commissioners and would welcome views on how this could work in practice.

Public bodies are already required to report on their climate change commitments following passage of the Climate Change (Scotland) Act 2009. I intend for the new Commissioner to support this work, thus enhancing this existing public sector duty, and others which include clauses relating to sustainable development and wellbeing.

4. **Simplicity and Accessibility:** simplicity and access for the public to maximise the 'single gateway'/'one-stop-shop' approach.

My proposal for a Wellbeing and Sustainable Development Commissioner will seek to build on the success of Scotland's other Commissioner/Ombudsmen roles in establishing and promoting themselves as the 'one-stop-shop' for issues relevant to their remits. I will also seek to learn from the experience of the Welsh Commissioner who, since the office was established in 2016, has built a strong reputation as one of the "UK's leading Changemakers".<sup>58</sup>

5. **Shared services:** shared services and organisational efficiencies built in from the outset.

In developing this proposal and engaging with other Officeholders, I am keen to ensure that resources are shared as much as possible. This could include the incorporation of the Wellbeing and Sustainable Development Commissioner and their workforce into a shared workspace with another Commissioner team, and I would welcome views on other practical ways that resources can be shared to maximise organisational efficiency.

6. **Accountability:** the establishment of a clear, simple, robust and transparent lines of accountability appropriate to the nature of the office.

As set out earlier in this document, the Wellbeing and Sustainable Development Commissioner would have operational independence. The Commissioner's Office would be accountable to the Scottish Parliament and there are two potential approaches to accountability set out in this document. Following the Scottish Parliamentary Corporate Body model, the key duties of the SPCB in relation to appointed officeholders such as Commissioners are generally to 'determine his/her length of appointment; to set his/her terms and conditions of appointment; approve

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<sup>58</sup> Future Generations Commissioner for Wales, Sophie Howe, <https://www.futuregenerations.wales/team/sophie-howe/>

determinations; pay his/her salary and allowances and any expenses incurred in the exercise of his/her functions'. Commissioners also submit budget bids to the SPCB for scrutiny.

As noted previously, the Welsh Commissioner is accountable to the Senedd Public Audit Committee in relation to its governance, financial management and internal control. The equivalent Scottish Parliament Committee would be the Public Audit and Post-Legislative Scrutiny Committee.

In addition to preparing annual reports, the Commissioner would be expected to appear before relevant Scottish Parliament Committees to give evidence on both its work and in relation to relevant inquiries.

In light of the above, I recognise the importance of ensuring complementarity among all Commissioner office holders operating in Scotland and would welcome views on ensuring that the duties of the proposed Wellbeing and Sustainable Development Commissioner do not duplicate those of other Commissioners or bodies that oversee the implementation of sustainable development and wellbeing duties, and therefore intend to encourage engagement from all relevant bodies working in Scotland to ensure thorough engagement from the beginning of this process.

It has also been highlighted that the ways in which governments work – for example, where the implementation of different policy areas is carried out distinctly and in isolation, even where there is potential to collaborate – impacts negatively on policy coherence. In Wales, research has suggested that this has been exacerbated by a lack of resources and clear decision-making power impeding organisations in making the kind of cross-cutting collaboration envisioned by the Well-being of Future Generations Act.<sup>59</sup> I am keen to ensure the development of my proposed Bill learns lessons from the Welsh experience, with the Scottish Commissioner playing a key role in encouraging collaboration to ensure coherent policy.

## **Public Sector Duties**

The third aim of my proposal is to confer new duties on public bodies in relation to sustainable development and wellbeing, to ensure consideration of both is embedded in public sector policy, decision making and implementation.

I believe that new duties relating to wellbeing and sustainable development, based on the new definitions to be included in my proposed Bill, should be conferred on all public bodies to ensure that these considerations are at the heart of public sector decision making.

Public bodies are currently bound by the public sector equality duty, which requires public authorities to have “due regard” to equalities considerations when setting

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<sup>59</sup> Senedd Cymru, Public Accounts Committee, 'Delivering for Future Generations: The story so far', 2021, <https://business.senedd.wales/documents/s500006899/Committee%20Report%20-%20Delivering%20for%20Future%20Generations%20The%20story%20so%20far%20March%202021.pdf>

policy or making decisions, thereby “mainstreaming” the issue.<sup>60</sup> Conferring wellbeing and sustainable development duties equally on public bodies as a statutory requirement would ensure that all such bodies consider the longer-term consequences of decisions they make to ensure these are sustainable, for the benefit of the wellbeing of the people of Scotland both today and in the future.

As has been highlighted, there are 35 Scottish Parliament Acts that currently refer to ‘sustainable development’. While this could be interpreted as demonstrating that sustainable development is already a firm feature of public policy, as explored above, sustainable development provisions in existing legislation can lack ‘teeth’, can conflict or compete with other priorities in legislation and references can be inconsistent across all of this legislation. Indeed, SIDA’s research highlights comments from stakeholders suggesting that “most organisations have heaps of duties placed upon them and can ultimately pick and choose on which ones they give emphasis to”.<sup>61</sup>

Additionally, as there is no single overarching statutory definition of sustainable development across legislation, the concept can be interpreted in different ways, leading to a lack of effectiveness and policy coherence. I therefore think that this proposed Bill could play a vital role in ensuring there is not ambiguity across the public sector in relation to upholding duties relating to sustainable development and wellbeing, as new, overarching definitions will apply, thus ensuring a consistency of understanding across public policy.

## **Current duties and priorities of public sector bodies**

Public sector duties relating to climate change already exist in legislation. Work by SIDA highlights that the Climate Change (Scotland) Act 2009 has the most far-ranging duties of all Scottish Parliament Acts, with public bodies required to monitor and report on progress towards meeting climate change targets. However, the research highlights that, while ‘sustainable development’ is referred to in the legislation, the locus of the Act and how it has been interpreted is through the lens of climate change and the aspects of the policy relating to sustainable development are somewhat lost. Indeed, SIDA highlight that this primary focus on climate change over sustainable development carries over into other wide-ranging policy, such as the NPF:

“Publication of the first iteration of the National Performance Framework (NPF) in 2007 included a ‘sustainability’ purpose target, to ‘reduce emissions’. Due in part to the Scottish Government’s emphasis on emissions’ reduction

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<sup>60</sup> The Scottish Government, ‘Mainstreaming equality: Scottish Governments equality duties’, 2016, <https://www.gov.scot/publications/scottish-governments-equality-duties/#:~:text=Public%20sector%20equality%20duty&text=It%20means%20Scottish%20public%20authorities,advance%20equality%20of%20opportunity>

<sup>61</sup> Scotland’s International Development Alliance, ‘Towards a Wellbeing and Sustainable Development (Scotland) Bill’, 2022, p. 13, [https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD\\_Bill\\_Report\\_May2022\\_final\\_WEB.pdf](https://www.intdevalliance.scot/application/files/9516/5338/2545/WSD_Bill_Report_May2022_final_WEB.pdf)

and a transition to a low carbon economy being an opportunity for economic growth, the SD narrative in public policy was almost replaced by one on climate change alone.”<sup>62</sup>

I also recognise that, if this proposed Bill is passed, the implementation of new public sector duties relating to sustainable development and wellbeing could potentially lead to perceived conflicts with public sector bodies with a historic focus or remit centred around achieving economic growth.

For example, Scottish Enterprise was established with the aim of “furthering the development of Scotland’s economy and in that connection providing, maintaining and safeguarding employment”,<sup>63</sup> and regard for sustainable development was not included in the provision of the Enterprise and New Towns (Scotland) Act 1990, which established Scottish Enterprise.<sup>64</sup> However, I do not believe that economic growth and sustainable development are contradictory – rather, public bodies should be supported to promote growth within the parameters of reducing carbon emissions, protecting the natural environment and through the lens of a wellbeing economy.

### **Practicalities of establishing new public sector duties**

I am also conscious of the fact that the imposition of numerous duties on public sector bodies can be considered problematic due to the breadth of duties already in place. This can lead to limitations relating to capacity, staff skills and training, the production of guidance, and a lack of understanding of how the duty is to be implemented by each specific body.

Stakeholders reporting to SIDA also pointed to this as a potential issue, emphasising that there are a high number of duties already placed on public bodies, including by the recently passed Good Food Nation (Scotland) Act,<sup>65</sup> and that the imposition of new duties could impact their ability to carry out every duty adequately. This is a challenge that I am alive to, and I am keen to ensure that the imposition of the duties conferred by my proposed Bill build coherence and simplify existing related duties, rather than overburden public bodies. I would welcome any views on how to ensure the measures included in my proposed Bill can support, rather than hinder, the good work already undertaken by public bodies in upholding their duties.

Adaptation Scotland’s Capability Framework for a Climate Ready Public Sector has been highlighted as an example of a tool that could support public bodies in

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<sup>62</sup> Scotland’s International Development Alliance, ‘Towards a Wellbeing and Sustainable Development (Scotland) Bill’, 2022, p.27, <https://www.intdevalliance.scot/how-we-help/policy-and-advocacy/wsd-Bill>

<sup>63</sup> Ibid, p.29

<sup>64</sup> Enterprise and New Towns (Scotland) Act 1990, Section 1(a)(ii), <https://www.legislation.gov.uk/ukpga/1990/35/section/1>

<sup>65</sup> Scottish Government, Food and Drink: Good Food Nation policy, [https://www.gov.scot/policies/food-and-drink/good-food-nation/#:~:text=Good%20Food%20Nation%20\(Scotland\)%20Act%202022,-The%20Act%20underpins&text=The%20Act%20places%20duties%20on,to%20make%20those%20plans%20real](https://www.gov.scot/policies/food-and-drink/good-food-nation/#:~:text=Good%20Food%20Nation%20(Scotland)%20Act%202022,-The%20Act%20underpins&text=The%20Act%20places%20duties%20on,to%20make%20those%20plans%20real)

implementing public sector specific duties.<sup>66</sup> While not specifically included in this proposed Bill, I appreciate that a by-product of it could be the need for a new framework, given that policy coherence for sustainable development is the overarching goal of many of the changes brought about by this Bill.<sup>67</sup>

## National Performance Framework (NPF)

It is also important to consider the overarching framework to achieve national, rather than local, outcomes in Scotland: the NPF. As set out earlier in this document, the NPF is the policy framework through which National Outcomes, as detailed in the Community Empowerment (Scotland) Act 2015,<sup>68</sup> are measured. The purpose of the framework is to:

- create a more successful country
- give opportunities to all people living in Scotland
- increase the wellbeing of people living in Scotland
- create sustainable and inclusive growth
- reduce inequalities and give equal importance to economic, environmental, and social progress<sup>69</sup>

The Scottish Parliament's Finance and Public Administration Committee recently completed an inquiry and published a report on the National Performance Framework, concluding that the NPF remained:

“an important vision of the type of place Scotland should aspire to be **but there needs to be more sustained progress towards achieving that vision**. Whilst there will be no one solution, of key importance is positioning the NPF as the start of a 'golden thread' from which all other frameworks, strategies and plans flow, through to delivery on the ground.”

Improvements to the NPF suggested through the inquiry included that it would be more effective were it renamed the “National Wellbeing Framework”. Other witnesses spoke in support of the introduction of a Wellbeing and Sustainable Development Bill, with Oxfam Scotland suggesting that the introduction of a Bill such

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<sup>66</sup> Adaptation Scotland, 'The Framework', <https://www.adaptationscotland.org.uk/how-adapt/your-sector/public-sector/framework>

<sup>67</sup> Scotland's International Development Alliance, 'Towards a Wellbeing and Sustainable Development (Scotland) Bill', 2022, pp.29-30, <https://www.intdevalliance.scot/how-we-help/policy-and-advocacy/wsd-Bill>

<sup>68</sup> Community Empowerment (Scotland) Act 2015, Section 1, <https://www.legislation.gov.uk/asp/2015/6/section/1>

<sup>69</sup> Scottish Government, 'National Performance Framework: What it is', <https://nationalperformance.gov.scot/what-it>

as the one I propose could “narrow the distance between the ambitions of the National Outcomes and their delivery”.<sup>70</sup>

Additionally, a separate recent report by the Committee into the Resource Spending Review Framework found confusion among some stakeholder groups as to which of the Scottish Government’s frameworks, strategies or plans (e.g. the National Performance Framework, the Programme for Government, the Resource Spending Review Framework etc) were the priority.<sup>71</sup>

Given the above, I believe that my proposed Bill presents an opportunity to improve the efficacy of the National Performance Framework as the distinct overarching framework for achieving national outcomes, and to reaffirm its focus on sustainable development and wellbeing. I would welcome any and all views on how this could work in practice. For example, recent work by Carnegie UK provides helpful thoughts on this issue.<sup>72</sup>

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<sup>70</sup> The Scottish Parliament, Finance and Public Administration Committee, ‘Report on the National Performance Framework: Ambitions into Action, 2022, <https://sp-bpr-en-prod-cdnep.azureedge.net/published/FPA/2022/10/3/a3dd32cb-f846-42db-ada6-11f7e3da9390/FPAS622R8.pdf>

<sup>71</sup> The Scottish Parliament, Finance and Public Administration Committee, ‘Investing in Scotland’s Future’, 2022, <https://sp-bpr-en-prod-cdnep.azureedge.net/published/FPA/2022/3/25/aa15b96c-e346-4974-9c94-749ba99e3799/FPAS0622R4.pdf>

<sup>72</sup> Carnegie UK, National Performance Framework Next Steps, 2022, <https://www.carnegieuktrust.org.uk/publications/national-performance-framework-next-steps/>

## Financial Implications

In considering the financial implications of my proposed Wellbeing and Sustainable Development (Scotland) Bill, it is helpful to consider each aim of the proposal in turn.

The first aim – to establish new definitions of sustainable development and wellbeing in legislation – would likely have minimal financial implications in and of itself beyond the costs associated with progressing a Member’s Bill through Parliament, including the drafting process and the use of parliamentary time. Although my proposed Bill, if passed, would impact other legislation which references or includes clauses pertaining to sustainable development and wellbeing, as I have set out previously it is not the intention of this proposal to directly amend these Acts.

The second aim – the establishment of a Wellbeing and Sustainable Development Commissioner – will require financial investment and would therefore have a knock-on effect to the Scottish Budget.

As is detailed in this consultation document, there are already established mechanisms through the Scottish Parliament and the Scottish Parliamentary Corporate Body to establish and administer office holder positions. The experience of Wales in establishing the role of the Welsh Commissioner follows a different funding model through the Welsh Government, which has also been detailed in this document.

There are currently seven Officeholders supported by the Scottish Parliamentary Corporate Body.<sup>73</sup> The SPCB Budget bid for financial year 2022-23 shows that the bodies have a total financial resource of £15.3 million.<sup>74</sup> The allocations range from a low of £311,000 for the Standards Commission to £5.7 million for the Public Service Ombudsman.

	SPSO		SIC		CYPCS		SHR		ESC		SC		EC		SBC	
Revenue																
Staff Costs	5,020	80%	1,721	81%	1,066	73%	881	80%	789	69%	258	83%	0	0%	0	0%
Staff Related/ General Costs	42	1%	23	1%	66	5%	40	4%	16	1%	18	6%	998	54%	309	73%
Property Costs	563	9%	125	6%	0	0%	0	0%	92	8%	1	0%	0	0%	6	1%
Professional Fees	359	6%	67	3%	34	2%	21	2%	199	17%	9	3%	355	19%	18	4%
Running Costs	388	6%	171	8%	289	20%	157	14%	41	4%	25	8%	0	0%	88	21%
Depreciation Costs		0%		0%		0%		0%		0%		0%	366	20%	0	0%
Capital	9	0%	13	1%	2	0%	0	0%	6	1%	0	0%	120	7%	0	0%
<b>Total</b>	<b>6,301</b>		<b>2,120</b>		<b>1,457</b>		<b>1,099</b>		<b>1,143</b>		<b>311</b>		<b>1,839</b>		<b>421</b>	

Source: SPCB Budget Submission 2022-23. Key: Totals = per ‘000s.

The above table shows an analysis of current bodies that are administered by the Corporate Body and includes the seven officeholders (Commissioner for Ethical Standards in Public Life in Scotland, Scottish Biometrics Commissioner, Scottish Commissioner for Children and Young People, Scottish Human Rights Commission, Scottish Information Commissioner, Scottish Public Services Ombudsman,

<sup>73</sup> The Scottish Parliament, Officeholders, <https://www.parliament.scot/about/how-parliament-works/parliament-organisations-groups-and-people/officeholders>

<sup>74</sup> The Scottish Parliament, Scottish Parliamentary Corporate Body Budget Submission 2022-23’, 2021, <https://www.parliament.scot/~media/committ/1885>

Standards Commission for Scotland) and the Electoral Commission for Scotland. For the majority of bodies, over 70% of costs consist of staff or staff related expenditure. It is envisaged that this would also be the case for the Commissioner established by this proposed Bill. A number of Commissioners share offices or other infrastructure to help reduce costs and, as has been set out at length earlier in this document, it is proposed that the new Commissioner would work with existing Commissioners and other public bodies where possible to ensure that existing infrastructure is maximised and resources shared to keep costs down.

In establishing the Commissioner, the ‘Six Design Principles’ criteria for the establishment of a new officeholder position, which are referenced earlier in this consultation document, will help ensure that the Commissioner does not duplicate existing work and that organisational efficiencies are built in from the outset.

The Future Generations Commissioner for Wales received funding of £1.5 million from the Welsh Government for the financial year 22-23.<sup>75</sup> It is anticipated that this would be the minimum level of funding that an equivalent Scottish Commissioner would receive to ensure the Commissioner has the resource required to carry out its functions.

It should also be recognised that the Welsh Public Accounts Committee reached several conclusions in relation to the funding of the equivalent Welsh Commissioner, as set out in a recent report referred to earlier in this document. The conclusions included the following:

- “A lack of additional funding for public bodies to embed the principles of sustainable development and the five ways of working should not be a barrier to implementation of the Act.”
- “Short funding cycles and late funding announcements have made it more difficult for public bodies to collaborate effectively, plan for the future, and make the most out of the resources they have.”
- “The inconsistent funding arrangements for Public Services Boards limit their effectiveness. Requiring each Board to separately overcome the same fundamental resourcing challenge is inefficient, has no clear justification and has led to undesirable inconsistencies in what Boards do and how they work.”
- “The Future Generations Commissioner’s budget has not given her office sufficient capacity to provide public bodies with the levels of practical and sector-specific support that they have called for to implement the Act.”<sup>76</sup>

My proposed Bill will therefore benefit from the experience of the implementation of similar legislation that came before it and I would endeavour that the above funding considerations are borne in mind from the outset and as the proposal progresses.

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<sup>75</sup> The Welsh Government, Draft Budget 2022 to 2023, 2021, <https://gov.wales/draft-budget-2022-2023>

<sup>76</sup> Senedd Cymru, Public Accounts Committee, ‘Delivering for Future Generations: The story so far’, 2021, <https://business.senedd.wales/documents/s500006899/Committee%20Report%20-%20Delivering%20for%20Future%20Generations%20The%20story%20so%20far%20March%202021.pdf>



As alluded to above and earlier in this document, the establishment of new duties on public bodies – the third aim of my proposal – has inevitable cost implications. While the Welsh Public Account Committee report set out that a lack of funding should not be a barrier to public bodies' implementation of the Welsh Act, I am keen to learn from their experience and to highlight the need for adequate funding from the outset of this proposal.

The report also recognised that it is difficult for public bodies to plan for future generations in instances where their budgets remain static or they are subject to short funding cycles. By pre-empting these challenges, thanks to the comparative example provided by Wales, I am hopeful that consideration of these issues can be factored into my proposal by design, and I would welcome views on these practicalities as part of this consultation process.

## Equalities Implications

By seeking to promote and further the twin concepts of wellbeing and sustainable development, I believe that this proposed Bill would positively impact equalities in Scotland.

The purpose of legislating to embed sustainable development and wellbeing across the policy landscape by establishing new over-arching definitions in legislation and creating new public duties is to ensure that consideration for future generations – including people with protected characteristics and the most vulnerable in our society – is built-in to policy coherently and by design. Sustainable development is essential to ensuring that both today's citizens and future generations have the resources available to them to live well.

For example, sustainable transport decisions – such as improving the accessibility of and increasing investment in public transport networks – could enable disabled people to travel more easily. Sustainable planning decisions could lead to improved community facilities and ensure that developments are environmentally friendly and suitable for the longer-term, which could provide more easily accessible town centres for older people to engage with their community, and support younger people by discouraging depopulation. Delivering healthcare solutions with the wellbeing of future generations in mind could ensure a more sustainable health service that prioritises keeping people of all ages physically and mentally healthy.<sup>77</sup>

Establishing a legal definition of wellbeing would serve to build coherence across the legislative framework where this term is already used and where wellbeing policies are already in place. For example, I believe this would strengthen existing policy and improve the efficacy of the NPF at measuring progress towards improving national wellbeing.

The proposed Wellbeing and Sustainable Development Commissioner would work closely with other Commissioners and Officeholders to achieve shared equalities objectives. Aspects of the remits of the Scottish Human Rights Commission and the Scottish Commissioner for Children and Young People would cross over with the wellbeing and sustainable development remit, and joint working would be essential to meeting shared goals and realising a better, more equal future for future generations.

It is my belief that my proposed Bill would aid understanding of how decision-making and the approach taken by our political systems impacts on wellbeing and sustainable development and the intersecting issues of, for example, inequality, climate change, ecological challenges and poverty. My proposal aims to bring coherence to the policy landscape to ensure that all such challenges are tackled in a sustainable way.

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<sup>77</sup> Future Generations Commissioner for Wales, 'Future Generations Report 2020', <https://futuregenerations2020.wales/english>

Research from the SIDA also demonstrates that the dominant global economic systems can both create and deepen inequalities.<sup>78</sup> I believe that this proposed Bill could encourage the adoption of a more sustainable model of development, which I believe is essential to ensuring the wellbeing of people both in Scotland and globally.

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<sup>78</sup> Scotland's International Development Alliance, 'Towards a Wellbeing and Sustainable Development (Scotland) Bill', 2022, <https://www.intdevalliance.scot/how-we-help/policy-and-advocacy/wsd-Bill>

## Sustainable Development Implications

It is standard good practice when developing legislative proposals to consider how a proposed Bill could impact on sustainable development and if the proposed legislation can be delivered sustainably.

Ensuring policy is sustainable goes beyond the natural environment. Sustainable development impact assessments serve to test whether policy seeks to avoid negatively impacting, for example, the environment, energy efficiency, ecosystems, human rights, wellbeing, equity and equality of resources, the strengthening of communities and wellbeing, and promotes a sustainable economy, good governance and sound science.

As has been made clear throughout this document, this proposed Bill – both in its suggested short title and the policy detail underpinning it – is centred on the principle of sustainable development.

Without seeking to reiterate what has been set out already in this document, this proposal is for a Bill to establish new statutory definitions of sustainable development and wellbeing, establish a Wellbeing and Sustainable Development Commissioner, and to confer related duties on public bodies.

This proposal seeks to cut across the current approach to policy making by legislating for sustainable development to be factored in to any such public decision-making. This would ensure that, for example, living within environmental limits, achieving a sustainable economy, and ensuring a strong, healthy and just society – key considerations for a sustainable future – are not an afterthought to new public policy.

The Wellbeing and Sustainable Development Commissioner, which this proposal would establish, would serve to build policy coherence for sustainable development across the public sector and promote the furthering of sustainable development principles.

Enacting this proposed Bill would constitute a step forward in realising Scotland's potential to be world leader in embedding sustainable development in policy, which could ensure that key sustainability principles are considered at the outset of policy development.

It is my belief that establishing an overarching definition of sustainable development and ensuring public bodies undertake new duties, supported by the newly-established Commissioner, will ensure we avoid the future prospect of allowing policy to be made without due regard being given to the impact on our planet, our resources and future generations.

# Questions

The preliminary “About You” questions help to build up a picture of who has responded. The number of substantive questions (about the proposal itself) should normally be restricted to ten or fewer.

About you

(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)

1. Are you responding as:

- an individual – in which case go to Q2A
- on behalf of an organisation? – in which case go to Q2B

2A. Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)

- Politician (MSP/MP/peer/MEP/Councillor)
- Professional with experience in a relevant subject
- Academic with expertise in a relevant subject
- Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation.

2B. Please select the category which best describes your organisation:

- Public sector body (Scottish/UK Government or agency, local authority, NDPB)
- Commercial organisation (company, business)
- Representative organisation (trade union, professional association)
- Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
- Other (e.g. clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

3. Please choose one of the following:

- I am content for this response to be published and attributed to me or my organisation
- I would like this response to be published anonymously
- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**

4. Please provide your name or the name of your organisation. (Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)

Name:

Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. **(Note: We will not publish these contact details.)**

Contact details:

5. Data protection declaration

- I confirm that I have read and understood the [Privacy Notice](#) to this consultation which explains how my personal data will be used.

If you are under 12 and making a submission, we will need to contact you to ask your parent or guardian to confirm to us that they are happy for you to send us your views.

- Please ONLY tick this box if you are UNDER 12 years of age.

[Your views on the proposal](#)

Note: All answers to the questions in this section may be published (unless your response is “not for publication”).

## Aim and Approach

Q1 Which of the following best expresses your view of the proposed Bill  
(Please note, this is question is compulsory.)

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Do not wish to express a view

Please explain the reasons for your response.

Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

Q3. Which of the following best expresses your view on whether 'sustainable development' should be defined in legislation?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Do not wish to express a view

Please explain the reasons for your response, including any views on what the definition should include.

Q4. Which of the following best expresses your view on whether 'wellbeing' should be defined in legislation?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Do not wish to express a view

Please explain the reasons for your response, including any views on what the definition should include.

Q5. Which of the following best expresses your view on whether there should be a Commissioner for sustainable development and wellbeing?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Do not wish to express a view

Please explain the reasons for your response, including any views on what the key functions of the proposed Commissioner should be (see pages 19 to 20 of the consultation document), what model of governance could be adopted (see page 22 to 23), and whether the Commissioner could play a role in strengthening existing duties or legislation.

Q6. What, in your view, should the title of the proposed Commissioner be?

Please explain the reasons for your response.

Q7. Which of the following best expresses your view on whether there is a need for duties for public bodies to promote sustainable development and wellbeing in policy development and implementation?

- Fully supportive
- Partially supportive



- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Do not wish to express a view

Please explain the reasons for your response including views on any barriers to implementation of these duties and on how the effectiveness of implementation could be measured.

## Financial Implications

Q8. Any new law can have a financial impact that would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

- significant increase in costs
- some increase in costs
- no overall change in costs
- some reduction in costs
- a significant reduction in costs
- don't know

Please explain the reasons for your response, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.

## Equalities

Q9. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.

Please explain the reasons for your response and if there are any ways you think the proposal could avoid negative impacts on particular people.

## Sustainability

Q10. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy and just society for future generations.

Do you think the proposal could impact in any of these areas?

If you do not have a view then skip to the next question.

Please explain the reasons for your response, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

## General

Q11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

## How to respond to this consultation

You are invited to respond to this consultation by answering the questions in the consultation and by adding any other comments that you consider appropriate.

### Format of responses

You are encouraged to submit your response via an online survey (Smart Survey) if possible, as this is quicker and more efficient both for you and the Parliament. However, if you do not have online access, or prefer not to use Smart Survey, you may also respond by e-mail or in hard copy.

#### *Online survey*

To respond via online survey, please follow this link:

<https://www.smartsurvey.co.uk/s/WellSustDev/>

The platform for the online survey is Smart Survey, a third party online survey system enabling the SPCB to collect responses to MSP consultations. Smart Survey

is based in the UK and is subject to the requirements of the General Data Protection Regulation (GDPR) and any other applicable data protection legislation. Any information you send in response to this consultation (including personal data) will be seen by the MSP progressing the Bill and by staff in NGBU.

Further information on the handling of your data can be found in the Privacy Notice, which is available either via the Smart Survey link above or here: [Privacy Notice](#)

Smart Survey's privacy policy is available here:

<https://www.smartsurvey.co.uk/privacy-policy>

### **Electronic or hard copy submissions**

Responses not made via Smart Survey should, if possible, be prepared electronically (preferably in MS Word). Please keep formatting of this document to a minimum. Please send the document by e-mail (as an attachment, rather than in the body of the e-mail) to:

[sarah.boyack.msp@parliament.scot](mailto:sarah.boyack.msp@parliament.scot)

Responses prepared in hard copy should either be scanned and sent as an attachment to the above e-mail address or sent by post to:

**Sarah Boyack MSP**

**M1.15**

**Scottish Parliament**

**Edinburgh EH99 1SP**

Responses submitted by e-mail or hard copy may be entered into Smart Survey by my office or by NGBU.

If submitting a response by e-mail or hard copy, please include written confirmation that you have read and understood the [Privacy Notice](#).

You may also contact my office by telephone on (0131) 348 6994.

### **Deadline for responses**

All responses should be received no later than **Friday 24 March 2023**. Please let me know in advance of this deadline if you anticipate difficulties meeting it. Responses received after the consultation has closed will not be included in any summary of responses that is prepared.

## **How responses are handled**

To help inform debate on the matters covered by this consultation and in the interests of openness, please be aware that I would normally expect to publish all responses received (other than "not for publication" responses) on my website:

<https://www.sarahboyack.com/wellbeingandsustainabledevelopmentscotlandbill>

Published responses (other than anonymous responses) will include the name of the respondent, but other personal data sent with the response (including signatures, addresses and contact details) will not be published.

Where responses include content considered to be offensive, defamatory or irrelevant, my office may contact you to agree changes to the content, or may edit the content itself and publish a redacted version.

Copies of all responses will be provided to the Scottish Parliament's Non-Government Bills Unit (NGBU), so it can prepare a summary that I may then lodge with a final proposal (the next stage in the process of securing the right to introduce a Member's Bill). The [Privacy Notice](#) explains more about how the Parliament will handle your response.

If I lodge a final proposal, I will be obliged to provide copies of responses (other than "not for publication" responses) to the Scottish Parliament's Information Centre (SPICe). SPICe may make responses available to MSPs or staff on request.

### **Requests for anonymity or for responses not to be published**

If you wish your response to be treated as anonymous or "not for publication", please indicate this clearly. The [Privacy Notice](#) explains how such responses will be handled.

## **Other exceptions to publication**

Where a large number of submissions is received, particularly if they are in very similar terms, it may not be practical or appropriate to publish them all individually. One option may be to publish the text only once, together with a list of the names of those making that response.

There may also be legal reasons for not publishing some or all of a response – for example, if it contains irrelevant, offensive or defamatory content. If I think your response contains such content, it may be returned to you with an invitation to provide a justification for the content or to edit or remove it. Alternatively, I may publish it with the content edited or removed, or I may disregard the response and destroy it.

## **Data Protection**

As an MSP, I must comply with the requirements of the General Data Protection Regulation (GDPR) and other data protection legislation which places certain obligations on me when I process personal data. As stated above, I will normally publish your response in full, together with your name, unless you request anonymity or ask for it not to be published. I will not publish your signature or personal contact information. The [Privacy Notice](#) sets out in more detail what this means.

I may also edit any part of your response which I think could identify a third party, unless that person has provided consent for me to publish it. If you wish me to publish information that could identify a third party, you should obtain that person's consent in writing and include it with your submission.

If you consider that your response may raise any other issues under the GDPR or other data protection legislation and wish to discuss this further, please contact me before you submit your response. Further information about data protection can be found at: <https://ico.org.uk/>.

## **Freedom of Information (Scotland) Act 2002**

As indicated above, NGBU may have access to information included in, or provided with, your response that I would not normally publish (such as confidential content, or your contact details). Any such information held by the Parliament is subject to the requirements of the FOISA. So if the information is requested by third parties the Scottish Parliament must consider the request and may have to provide the information unless the information falls within one of the exemptions set out in the Act. I cannot therefore guarantee that any such information you send me will not be made public should it be requested under FOISA.

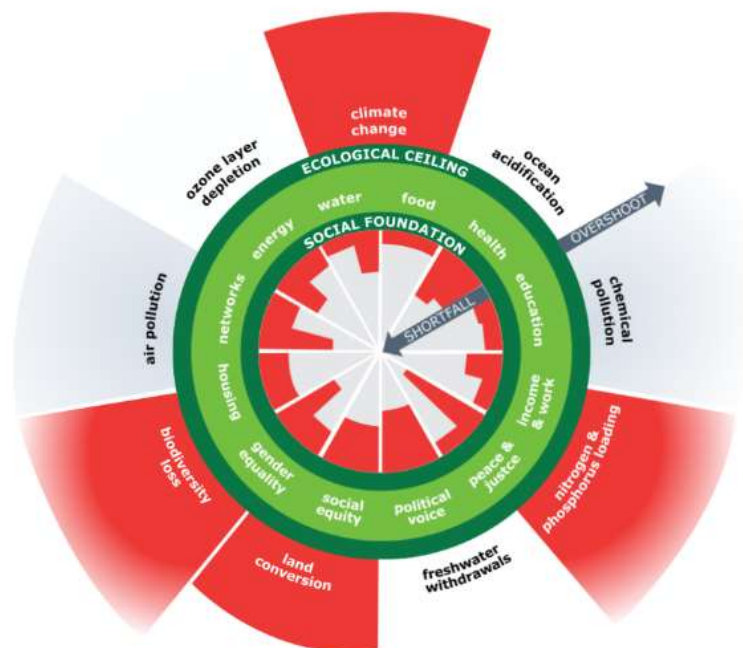
Further information about Freedom of Information can be found at:  
[www.itspublicknowledge.info](http://www.itspublicknowledge.info).

## Annexe A: Further background information – a Wellbeing Economy

There has been increasing debate on whether GDP and other key measures of economic growth are true measures of an economy that works for all. Over time economic growth and industrial activity has often been at the expense of our planet and has resulted in the climate emergency we now face.

Kate Raworth's doughnut model sets out a model for a wellbeing economy which provides a social foundation whilst also putting in place an ecological ceiling.<sup>79</sup> The social foundation ensures that every person across the globe has the essentials such as food, healthcare, education and housing to meet their needs whilst the ecological ceiling identifies the maximum harms such as climate change, biodiversity loss and pollution the planet can cope as to not impact on human life. In between the social foundation and ecological ceiling is the safe space for humanity to enjoy and a sustainable economy to flourish. The concept of a baseline or foundation and a ceiling setting the parameters in which growth can be considered sustainable enables other issues, such as wellbeing.

The Doughnut of social and planetary boundaries (2017)



Raworth, K. (2017), The Doughnut of social and planetary boundaries

WEAll (the Wellbeing Economy Alliance) have five non-negotiables which they feel need to be taken in to account when defining the wellbeing economy. They are:

1. **Dignity.** Everyone has enough to live in comfort, safety, and happiness

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<sup>79</sup> Raworth, K. 'Exploring Doughnut Economics', 2017, <https://www.kateraworth.com/doughnut/>

2. **Nature.** A restored and safe natural world for all life.
3. **Connection.** A sense of belonging and institutions that serve the common good.
4. **Fairness.** Justice in all its dimensions at the heart of economic systems, and the gap between the richest and poorest greatly reduced.
5. **Participation.** Citizens are actively engaged in their communities and locally rooted economies.<sup>80</sup>

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<sup>80</sup> WEAll, 'What is a wellbeing economy?', 2019, <https://wellbeingeconomy.org/wp-content/uploads/2019/12/A-WE-Is-WEAll-Ideas-Little-Summaries-of-Big-Issues-4-Dec-2019.pdf>

## **Annexe B**

Clauses in Scottish legislation which relate to sustainable development (Research provided by the Scottish Parliament Information Centre, 2022):

<b>ACT</b>	<b>SECTION</b>	<b>DUTY</b>
<b>1</b> <a href="#">National Parks (Scotland) Act 2000</a>	<b>1 The National Park aims</b>	In this Act, references to the National Park aims are to the following aims in relation to an area— (a) to conserve and enhance the natural and cultural heritage of the area, (b) to promote sustainable use of the natural resources of the area, (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, and (d) to promote sustainable economic and social development of the area’s communities.
<b>2</b> <a href="#">Water Industry (Scotland) Act 2002</a>	<b>51 Sustainable development</b>	(1) Scottish Water must, in exercising its functions, act in the way best calculated to contribute to the achievement of <b>sustainable development</b> . (2) Subsection (1) applies so far as is consistent with the purposes of any enactment relating to the functions of Scottish Water (3) In complying with subsection (1) Scottish Water must have regard to any guidance for the time being issued by the Scottish Ministers
<b>3</b> <a href="#">Building (Scotland) Act 2003</a>	<b>Part 1 Building regulations</b>	1. Scottish Ministers may, for any of the purposes of – (a) securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings, (b) furthering the conservation of fuel and power, and (c) furthering the achievement of <b>sustainable development</b> , make regulations (“building regulations”) with respect to the design, construction, demolition and conversion of buildings and the provision of services, fittings and equipment in or in connection with buildings. ...
	<b>25 Building regulations compliance</b>	(1) This section applies where the Scottish Ministers consider that, for any of the purposes of— ... (c) furthering the achievement of <b>sustainable development</b> , buildings of any description to which building regulations apply ought to comply with a provision of the regulations.



### **34 Community bodies**

...

(4) A body is not a community body unless Ministers have given it written confirmation that they are satisfied that the main purposes of the body is consistent with furthering the achievement of **sustainable development**.

...

### **38 Criteria for registration**

(1) Ministers shall not decide that a community interest is to be entered in the Register unless they are satisfied—

(b) that the acquisition of the land by the community body to which the application relates is compatible with furthering the achievement of **sustainable development**...

[inserted by Community Empowerment (Scotland) Act 2015 – see below]

...

### **51 Exercise of right to buy: approval of community and consent of Ministers**

(3) Ministers shall not consent for the purposes of subsection (1) above unless the community have given their approval and Ministers are satisfied—

...

(a) That what the community body proposes to do with the land is compatible with furthering the achievement of **sustainable development**

### **71 Crofting community bodies**

...

(4) A body is not a crofting community body unless Ministers have given it written confirmation that they are satisfied that the main purpose of the body is consistent with furthering the achievement of **sustainable development**.

...

### **74 Criteria for consent by Ministers**

(1) Ministers shall not consent to an application under section 73 above unless they are satisfied—

...

(j) that the exercise by the crofting community body of the right to buy under this Part of this Act is compatible with furthering the achievement of **sustainable development**;

...

### **77 Reference to Land Court of purchase of eligible additional land without owner's consent**

			<p>(1) Where the owner of any eligible additional land to which an application under section 73 above relates has not requested, or consented to, the sale of that land Ministers shall refer to the Land Court the question of whether the eligible additional land may be bought by the crofting community body without the consent of its owner.</p> <p>...</p> <p>(3) On a reference under subsection (1) above the Land Court may determine that eligible additional land may be purchased by the crofting community body without the consent of its owner (and such determination shall have the same effect as if Ministers had been satisfied as to the matter referred to in section 74(1)(c) above) but only if the court is satisfied—</p> <p>...</p> <p>(b) that such development is compatible with furthering the achievement of <b>sustainable development</b>;</p> <p>See also additions by Community Empowerment (Scotland) Act 2015 below – sections 97D, 97G, 97H</p>
<b>5</b>	<a href="#">Local Government in Scotland Act 2003</a>	1(5), 13(6)(e)(i)	Requires local authorities to discharge their duties in relation to securing best value in a way that contributes to <b>sustainable development</b> , and to report how they did so.
<b>6</b>	<a href="#">Water Environment and Water Services (Scotland) Act 2003</a>	2(4)	<p>The Scottish Ministers, SEPA and the responsible authorities—</p> <p>(a) have regard to the social and economic impact of such exercise of those functions</p> <p>(b) so far as is consistent with the purposes of the relevant enactment or designated function in question—</p> <p>a. promote sustainable flood risk management, and</p> <p>b. act in the way best calculated to contribute to the achievement of <b>sustainable development</b>, and</p>
<b>7</b>	<a href="#">Further and Higher Education (Scotland) Act 2005</a>	20	<p>In exercising its functions, the Council [the Scottish Further and Higher Education Funding Council] is to—</p> <p>(a) have regard to the desirability of the achieving of <b>sustainable development</b>; and</p> <p>(b) in particular, encourage the fundable bodies to contribute (so far as reasonably practicable for them to do so) to the achievement of <b>sustainable development</b>.</p>

8	<a href="#">Transport (Scotland) Act 2005</a>	5	<p>See also 23D and 23L inserted by Post-16 Education (Scotland) Act 2013 – see below</p> <p>(1) It is the duty of each Transport Partnership to draw up a strategy for transport within its region.</p> <p>(2) Its transport strategy shall include provision about each of the following matters–</p> <ul style="list-style-type: none"> <li>(a) [...]</li> <li>(d) how transport in the region will be provided, developed, improved and operated so as– <ul style="list-style-type: none"> <li>i. to enhance social and economic well-being;</li> <li>ii. [...]</li> <li>iii. to be consistent with the principle of <b>sustainable development</b> and to conserve and enhance the environment</li> <li>iv. to promote social inclusion;</li> <li>v. to encourage equal opportunities and in, particular, the observance of the equal opportunities requirements;</li> <li>vi. [...]</li> </ul> </li> </ul>
9	Environmental Assessment (Scotland) Act 2005 (asp 15)	<p><b>Schedule 2 CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT</b></p> <p>1 The characteristics of plans and programmes, having regard, in particular to–</p> <p>....</p> <p>(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting <b>sustainable development</b>;</p>	
10	<a href="#">Water Services, etc. (Scotland) Act 2005</a>	Schedule 2 (3)	<p>Scottish Ministers can issue <b>sustainable development</b> guidance to the Water Industry Commission, to which it must have regard.</p>
11	<a href="#">Planning etc. (Scotland) Act 2006</a>	1, 2.	<p>Inserts into Town and Country Planning (Scotland) Act 1997 provisions for a National Planning Framework, including section 3D on <b>sustainable development: exercise of functions by Scottish Ministers</b>.</p> <p>The Scottish Ministers must exercise those functions [of preparing and revising the National Planning Framework] with the objective of contributing to <b>sustainable development</b></p>

			<p>In construing the expression “sustainable development” for the purposes of this section, regard may be had to any guidance issued, for the purposes of section 3E, under subsection (3) of that section.</p> <p>Substitutes Part 2 of the Act, with new provisions on development plans, including a section 3E on sustainable development. This section requires planning authorities to exercise their functions in relation to development planning with the objective of contributing to sustainable development. Scottish Ministers may issue guidance on this and planning authorities must have regard to it.</p>
<b>12</b>	<a href="#">Crofting Reform etc. Act 2007</a>	1(3), Schedule 1.2(10)	<p>Where an application for approval or consent from the Crofting Commission would adversely affect the sustainable development of the crofting community, the Commission can intervene. Amends the Crofters (Scotland) Act 1993 so that Scottish Ministers can make grant and loan schemes available for supporting any reasonable use which promotes sustainable development of crofts.</p>
<b>13</b>	<a href="#">Schools (Health Promotion and Nutrition) (Scotland) Act 2007</a>	9	<p>Inserts into the Education (Scotland) Act 1980 provisions requiring the education authority and the managers of grant-aided schools to have regard to guidance from Scottish Ministers on sustainable development, in relation to the provision of food or drink in schools. In particular, this may include guidance on the extent to which sustainable development principles may be affected by considerations related to fair and ethical trading and the places where food or drink is produced or processed.</p>
<b>14</b>	<a href="#">Climate Change (Scotland) Act 2009</a>	44(1)(c), 45(1), (5)	<p>A public body must, in exercising its functions, act –</p> <p>[...]</p> <p>(c) in a way that it considers is most sustainable.</p> <p>Ministers must provide and publish guidance to relevant public bodies on their climate change duties, and the bodies must have regard to this guidance.</p>
		92(1), (2)	<p>The persons mentioned in subsection (2) must, in exercising functions conferred on them by</p>

virtue of this Act, take into account the need to do so in a way that contributes to the achievement of **sustainable development**, including the achievement of the United Nations **sustainable development** goals.

Those persons are –

- (a) the Scottish Ministers;
- (b) the advisory body.

### **57 Duty to produce a land use strategy**

...

(3) The objectives, proposals and policies referred to in subsection (2) must contribute to—

...

- (c) **sustainable development**.

See also a number of insertions and amendments made by the Climate Change (Emissions Reduction) (Scotland) Act 2019, including sections 2B, 35, 98.

**15** [Flood Risk Management \(Scotland\) Act 2009](#)

1(2) In exercising their functions in pursuance of subsection (1), the Scottish Ministers, SEPA and responsible authorities must—

- (a) [...]
- (b) Have regard to the social, environmental and economic impact of such exercise of those functions,
- (c) So far as is consistent with the purposes of the flood risk related function concerned—
  - i. Act in the way best calculated to manage flood risk in a sustainable way
  - ii. Promote sustainable flood risk management
  - iii. [...]
  - iv. Act in the way best calculated to contribute to the achievement of **sustainable development**

**16** [Crofting Reform \(Scotland\) Act 2010](#)

2, 37, 42, 43, 48.

Amends subsection 2 of the Crofters (Scotland) Act 1993 so that the Crofting Commission must have regard to the impact of changes to the area of land held in crofting tenure on the sustainability of crofting. The Commission's annual report must contain an assessment of the contribution crofting has made to **sustainable development**. Inserts into the 1993 Act, a requirement that, before terminating tenancy of a croft or letting

an owner-occupied croft, the Commission must have regard to **sustainable development**. Further inserts a provision such that the Land Court, when considering whether to grant a landlord's application to resume a croft for a reasonable purpose, may take into account the effect of that purpose on the sustainability of crofting, the crofting community, the landscape, and the environment in the local or relevant area.

Inserts a provision such that the Commission shall give direction that a croft shall cease to be a croft if the applicant intends to use the land for a reasonable purpose, and may take into account the effect of that purpose on the sustainability of crofting, the crofting community, the landscape, and the environment in the local or relevant area.

Finally, inserts a provision so that in considering an application for approval or consent, the Commission must have regard to the **sustainable development** of the crofting community.

**17** [Marine \(Scotland\) Act 2010](#)

**3 Sustainable development and protection and enhancement of the health of the Scottish marine area**

In exercising any function that affects the Scottish marine area under this Act—

- (a) the Scottish Ministers, and
- (b) public authorities

must act in the way best calculated to further the achievement of **sustainable development**, including the protection and, where appropriate, enhancement of the health of that area, so far as is consistent with the proper exercise of that function.

5(3) A national marine plan or (as the case may be) a regional marine plan is a document which—

- (a) states the Scottish Ministers' policies (however) expressed for and in connection with the **sustainable development** of the area to which the plan applies

11 Scottish Ministers have a duty to keep under review any changes which could be expected to occur, as regards a national or regional marine plan, including the effect that any such changes may have in relation to the **sustainable development** of the Scottish marine area or

			region, its natural resources, or the living resources dependent on the area/region.
<b>18</b>	<a href="#">Public Services Reform (Scotland) Act 2010</a>	11	Inserts into the Forestry Act 1967 a provision in relation to the delegation of functions from Forestry Commissioners to community bodies, whereby a body must have written confirmation from the Commissioners that its main purpose is furthering <b>sustainable development</b> in order to qualify as a community body.
<b>19</b>	<a href="#">Wildlife &amp; Natural Environment (Scotland) Act 2011</a>	27(1)	Inserts into the Deer (Scotland) Act 1996 a provision such that Scottish Natural Heritage shall draw up a code of practice which includes guidance on sustainable deer management.
<b>20</b>	<a href="#">Police and Fire Reform (Scotland) Act 2012</a>	37 – inserted into Fire (Scotland) Act 2005 113 – inserted into the Fire Act 2005 as s.39A	(1) It is the duty of the Authority to make arrangements which secure best value for the Authority (that is, a continuous improvement in the carrying out of the Authority’s functions) [...] (5) The Authority and the chief constable must carry out their duties under this section in a way which contributes to the achievement of <b>sustainable development</b>  <b>113 Best value</b> Before section 40 of the 2005 Act (and the italic cross-heading immediately preceding it), insert— <b>“Best value</b> <b>39A Best value</b> ... (5) SFRS must carry out its duties under this section in a way which contributes to the achievement of <b>sustainable development</b> .
<b>21</b>	<a href="#">Water Resources (Scotland) Act 2013</a>	1(1)	Scottish Ministers have a duty to ensure the development of the value of Scotland’s water resources in ways to promote the sustainable use of natural resources, and that are consistent with the proper exercise of their functions under the Water Environment and Water Services (Scotland) Act 2003 and the Climate Change (Scotland) Act 2009 (see

			above). The value of the water environment includes its social, environmental and economic benefits.
<b>22</b>	<a href="#">Post-16 Education (Scotland) Act 2013</a>	5 – inserted into Further and Higher Education (Scotland) Act 2005 as sections 23D and 23L	<p>Regional college to have regard to particular matters</p> <p>(2) In exercising its functions, a regional college is to have regard to the desirability of the achieving of <b>sustainable development</b>.</p> <p>...</p> <p>Regional strategic body to have regard to particular matters</p> <p>(2) In exercising its functions, a regional strategic body is to -</p> <ul style="list-style-type: none"> <li>(a) have regard to the desirability of the achieving of <b>sustainable development</b>;</li> <li>and</li> <li>(b) in particular, encourage its colleges to contribute (so far as reasonably practicable for them to do so) to the achievement of <b>sustainable development</b>.</li> </ul>
<b>23</b>	<a href="#">Regulatory Reform (Scotland) Act 2014</a>	17, 51, Sch. 3(14).	<p>For the purposes of the Act, 'protecting and improving the environment' means protecting and enhancing ecosystems and promoting the sustainable use of natural resources.</p> <p>Inserts into the Environment Act a section 20A on the general purpose of SEPA whereby:</p> <p>(1) SEPA is to carry out the functions conferred on it by or under this Act or any other enactment for the purpose of protecting and improving the environment (including managing natural resources in a sustainable way).</p> <p>(2) In carrying out its functions for that purpose SEPA must, except to the extent that it would be inconsistent with subsection (1) to do so, contribute to—</p> <ul style="list-style-type: none"> <li>(a) improving the health and well being of people in Scotland, and</li> <li>(b) achieving <b>sustainable economic growth</b>.</li> </ul> <p>Inserts into the Environment Act 1995 a provision that Scottish Ministers may give guidance to the Scottish Environment</p>



			Protection Agency respect to carrying out its duties under section 20A.
<b>24</b>	<a href="#">Procurement Reform (Scotland) Act 2014</a>	2(8 – 10)	<p>A contracting authority must comply with the sustainable procurement duty, which is to consider how it can:</p> <ul style="list-style-type: none"> <li>• improve economic, social and environmental wellbeing through the procurement process,</li> <li>• facilitate the involvement of small, third sector and supported businesses in the procurement process</li> <li>• promote innovation.</li> </ul> <p>Scottish Ministers may publish guidance on the sustainable procurement duty, which must be laid before the Scottish Parliament, and to which contracting authorities must have regard.</p>
<b>25</b>	Community Empowerment (Scotland) Act 2015	Part 4, s.41; s.74;	<p>In section 38 of the 2003 Act (criteria for registration)—</p> <p>(a)in subsection (1)(b)—</p> <p>(i)after “that”, where it first occurs, insert “ the acquisition of the land by the community body to which the application relates is compatible with furthering the achievement of sustainable development, and that ”,</p> <p>(ii)in sub-paragraph (i), the words “defined under section 34(1)(a) above” are repealed,</p> <p>(iii)the word “or” immediately following sub-paragraph (i) is repealed,</p> <p>(iv)in sub-paragraph (ii), for “that”, where it first occurs, substitute “ the ”,</p> <p>(v)in that sub-paragraph, the words from “and” to the end of the sub-paragraph are repealed, and</p> <p>(vi)after that sub-paragraph, insert—</p> <p>“(iii)where the community body is a body mentioned in section 34(A1)(a), the land is in or sufficiently near to the area of the community by reference to which the community is defined as mentioned in section 34(5)(a), or</p> <p>(iv)where the community body is a body mentioned in section</p>

34(A1)(b), the land is in or sufficiently near to the area of the community to which the body relates,”

[...]

**Abandoned, neglected and detrimental land**

After section 97A of the 2003 Act, insert—

**PART 3A COMMUNITY RIGHT TO BUY  
ABANDONED, NEGLECTED OR DETRIMENTAL  
LAND**

[...]

97D Part 3A community bodies

[...]

(6) A body is not a Part 3A community body unless Ministers have given it written confirmation that they are satisfied that the main purpose of the body is consistent with furthering the achievement of **sustainable development**.

[...]

97G Right to buy: application for consent

[...]

(5) An application under this section—

[...]

(c) must include or be accompanied by information of the prescribed kind including information (provided, where appropriate, by or by reference to maps or drawings) about the matters mentioned in subsection (6).

(6) The matters are—

(a) the reasons the Part 3A community body considers that its proposals for the land are—

- (i) in the public interest, and
- (ii) compatible with furthering the achievement of **sustainable development** in relation to the land,

[...]

(9) On receipt of an application under this section, Ministers must—

(a) invite—

- (i) the owner of the land,
- (ii) any tenant of the land,
- (iii) any creditor in a standard security over the land or any part of it, and

		<p>(iv) any other person whom Ministers consider to have an interest in the application,</p> <p>to send them, so as to be received not later than 60 days after the sending of the invitation, views in writing on the application,</p> <p>[...]</p> <p>(10) An invitation given under subsection (9)(a)(i) must also invite the owner to give Ministers information about—</p> <p>[...]</p> <p>(a) whether the owner's continuing to own the land would be compatible with furthering the achievement of <b>sustainable development</b> in relation to the land,</p> <p>[...]</p> <p>97H Criteria for consent</p> <p>(1) Ministers must not consent to an application made under section 97G unless they are satisfied—</p> <p>[...]</p> <p>(b) that the exercise by the Part 3A community body of the right to buy under this Part is—</p> <p>[...]</p> <p>(ii) compatible with furthering the achievement of <b>sustainable development</b> in relation to the land,</p> <p>(c) that the achievement of <b>sustainable development</b> in relation to the land would be unlikely to be furthered by the owner of the land continuing to be its owner,</p>
26	<p>Education (Scotland) Act 2016</p> <p>Part 3, s.22</p>	<p><b>Provision of school meals</b></p> <p>(1) The 1980 Act is amended as follows.</p> <p>[...]</p> <p>(5) In section 56E (food and drink: guidance about <b>sustainable development</b>), in subsection (1)—</p> <p>(a) in paragraph (a), for "section 53(1)(a)" substitute " subsection (2) or (3) of section 53 to pupils mentioned in subsection (1)(a) of that section ",</p>

(b) in paragraph (b), for “that section” substitute “ section 53(2) or (3) to such pupils ”, and

(c) in paragraph (c)(i), for “that section” substitute “ section 53(2) or (3) to such pupils ”.

27	Land Reform (Scotland) Act 2016	Introductory Text, Part 1, s.1, Part 4, s.44, Part 5, Sch.1	<p>An Act of the Scottish Parliament to make provision for a land rights and responsibilities statement; to establish the Scottish Land Commission, provide for its functions and the functions of the Land Commissioners and the Tenant Farming Commissioner; to make provision about access to, and provision of, information about owners and controllers of land; to make provision about engaging communities in decisions relating to land; to enable certain persons to buy land to further sustainable development; to make provision for non-domestic rates to be levied on shootings and deer forests; to make provision about the change of use of common good land; to make provision about the management of deer on land; to make provision about access rights to land; to amend the law on agricultural holdings to provide for new forms of agricultural tenancy, to remove the requirement to register before tenants of certain holdings can exercise a right to buy, to provide a new power of sale where a landlord is in breach of certain obligations, to provide about rent reviews, to expand the list of the persons to whom holdings can be assigned or bequeathed and to whom holdings can be transferred on intestacy and to make provision about landlords' objections to such successor tenants, to provide for certain holdings to be relinquished where landlords agree or assigned to persons new to or progressing in farming, to provide for a 3 year amnesty period in relation to certain improvements carried out by tenants, and to provide for notice of certain improvements proposed by landlords; and for connected purposes.</p> <p><b>1 Land rights and responsibilities statement</b> [...]</p>
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(2) In preparing the statement, the Scottish Ministers must have regard to the desirability of—

[...]

(g) furthering the achievement of **sustainable development** in relation to land.

[...]

#### **44 Guidance on engaging communities in decisions relating to land**

[...]

(3) In preparing guidance under subsection (1), the Scottish Ministers must have regard to the desirability of—

[...]

(d) furthering the achievement of **sustainable development** in relation to land.

[...]

#### **PART 5 Right to buy land to further sustainable development**

##### **49 Part 5 community bodies**

[...]

(7) A body is not a Part 5 community body unless the Scottish Ministers have given it written confirmation that they are satisfied that the main purpose of the body is consistent with furthering the achievement of **sustainable development**.

[...]

##### **54 Right to buy: application for consent**

(5) Such an application—

[...]

(c) must include or be accompanied by such information as the Scottish Ministers may by regulations specify including information (provided, where appropriate, by or by reference to maps or drawings) about the matters mentioned in subsection (6).

(6) The matters are—

(a) the reasons the Part 5 community body considers that its proposals for the land satisfy the **sustainable development** conditions set out in section 56(2) (or, where the application is to buy a tenant's interest, those

conditions as modified by section 56(6)(a)),

[...]

### **55 Right to buy: application procedure**

(1) On receipt of an application under section 54, the Scottish Ministers must—

(a) invite—

- (i) the owner of the land,
- (ii) where the application is to buy a tenant's interest, the tenant,

[...]

(2) An invitation given under subsection (1)(a)(i) or (ii) must also invite the owner or, as the case may be, the tenant to give the Scottish Ministers information about—

[...]

- (b) whether the owner or tenant considers that the proposals for the land or tenant's interest satisfy the **sustainable development** conditions set out in section 56(2) and, if not, the owner or tenant's reasons,

[...]

### **56 Right to buy: Ministers' decision on application**

(1) The Scottish Ministers must not consent to an application to buy land under section 54 unless they are satisfied that—

- (a) the **sustainable development** conditions mentioned in subsection (2) are met, and

[...]

(2) The **sustainable development** conditions are met if—

- (a) the transfer of land is likely to further the achievement of **sustainable development** in relation to the land,
- (b) the transfer of land is in the public interest,
- (c) the transfer of land—
  - (i) is likely to result in significant benefit to the relevant community (see subsection (11)) to which the application relates, and

(ii) is the only practicable, or the most practicable, way of achieving that significant benefit, and

(d) not granting consent to the transfer of land is likely to result in harm to that community.

[...]

(4) In determining whether an application to buy land meets the **sustainable development** conditions mentioned in subsection (2), the Scottish Ministers may take into account the extent to which, in relation to the relevant community, regard has been had to guidance issued under section 44.

[...]

(6) Where an application is to buy a tenant's interest, the Scottish Ministers must not consent to the application unless they are satisfied that—

(a) the **sustainable development** conditions mentioned in subsection (2) are met in relation to the transfer of the tenant's interest (reading references in that subsection to "the transfer of land" as "the transfer of the tenant's interest"),

[...]

(8) In determining whether an application to buy a tenant's interest meets the **sustainable development** conditions mentioned in subsection (2), the Scottish Ministers—

(a) must take into account any related application under section 54 to buy the land to which the tenancy relates, and  
(b) may take into account the extent to which, in relation to the relevant community, regard has been had to guidance issued under section 44.

[...]

SCHEDULE 1 RIGHT TO BUY LAND TO FURTHER **SUSTAINABLE DEVELOPMENT**: MINOR AND CONSEQUENTIAL MODIFICATIONS

(introduced by section 129(1))

28	Air Departure Tax (Scotland) Act 2017	<p><b>7 Tax bands and tax rate amounts to be set by regulations</b></p> <p>(1) The Scottish Ministers must by regulations—</p> <ul style="list-style-type: none"> <li>(a) define one or more tax bands by reference to the final destination (as defined in section 16(5)) of a chargeable passenger carried on a chargeable aircraft, and</li> <li>(b) for each band defined in accordance with paragraph (a), set the amount, or the method for calculating the amount, of each tax rate described in section 16(3).</li> </ul> <p>(2) In preparing a draft of any regulations under subsection (1), the Scottish Ministers must have regard to the projected economic, environmental and social impacts of the proposed tax bands and tax rate amounts.</p> <p>(3) The Scottish Ministers must keep under review the economic, environmental and social impacts of the tax bands defined and tax rate amounts set by regulations under subsection (1).</p>
29	Forestry and Land Management (Scotland) Act 2018	<p><b>15 Management of land to further sustainable development</b></p> <p>(1) The Scottish Ministers must manage land mentioned in subsection (2) for the purpose of furthering the achievement of sustainable development.</p> <p>(2) The land referred to in subsection (1) is—</p> <ul style="list-style-type: none"> <li>(a) land in the national forest estate that is not forested, and</li> <li>(b) other land that is not forested that is— <ul style="list-style-type: none"> <li>(i) owned by the Scottish Ministers having been acquired under section 18(1) or 19(1),</li> <li>(ii) managed by the Scottish Ministers having been acquired under section 18(1) or 19(1), or</li> <li>(iii) managed by the Scottish Ministers by virtue of an agreement under section 17(1).</li> </ul> </li> </ul>
30	Islands (Scotland) Act 2018	<p><b>3 National islands plan</b></p> <p>(1) The Scottish Ministers must prepare a national islands plan.</p> <p>(2) The purpose of preparing a national islands plan is to set out the main objectives and strategy of the Scottish Ministers in relation to improving outcomes for island communities that result from, or are contributed to by, the carrying out of functions of a public nature.</p>



(3) Improving outcomes for island communities includes—

[...]

- (b) improving and promoting—
  - (i) sustainable economic development,
  - (ii) environmental wellbeing,
  - (iii) health and wellbeing, and
  - (iv) community empowerment,

**31** Scottish Crown Estate Act 2019 Part 3, s.7, s.11

**7 Duty to maintain and enhance value**

(1) The manager of one or more Scottish Crown Estate assets must maintain and seek to enhance—

- (a) the value of the assets, and
- (b) the income arising from them.

(2) In complying with the duty under subsection (1), the manager must—

- (a) act in the way best calculated to further the achievement of **sustainable development** in Scotland, and
- (b) seek to manage the assets in a way that is likely to contribute to the promotion or the improvement in Scotland of—
  - (i) economic development,
  - (ii) regeneration,
  - (iii) social wellbeing,
  - (iv) environmental wellbeing.

[...]

**11 Duty to obtain market value**

(1) The manager of a Scottish Crown Estate asset must not make any of the following transactions (“a relevant transaction”) for consideration of less than market value—

- (a) a transfer of ownership of the asset,
- (b) a grant of a lease of the asset,
- (c) a grant of any other right in or over the asset.

(2) Despite subsection (1), the manager may make a relevant transaction for consideration of less than market value (including for no consideration) if the manager is satisfied that the relevant transaction is likely to contribute to the promotion or the improvement in Scotland of—

- (a) economic development,
- (b) regeneration,

- (c) social wellbeing,
- (d) environmental wellbeing, or
- (e) sustainable development.

**32** Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

**5 The target-setting criteria**

After section 2A of the 2009 Act (inserted by section 4 of this Act), insert—

"The target-setting criteria 2BThe target-setting criteria

(1) In this Act, the "target-setting criteria" are—

- (a) the objective of not exceeding the fair and safe Scottish emissions budget,
- (b) European and international law and policy relating to climate change (including the United Nations Framework Convention on Climate Change and protocols to that Convention),
- (c) scientific knowledge about climate change,
- (d) technology relevant to climate change,
- (e) economic circumstances, in particular the likely impact of the target on—
  - (i) the Scottish economy,
  - (ii) the competitiveness of particular sectors of the Scottish economy,
  - (iii) small and medium-sized enterprises,
  - (iv) jobs and employment opportunities,
- (f) fiscal circumstances, in particular the likely impact of the target on taxation, public spending and public borrowing,
- (g) social circumstances, in particular the likely impact of the target on those living in poorer or deprived communities,
- (h) the likely impact of the target on public health,
- (i) the likely impact of the target on those living in remote rural communities and island communities,
- (j) energy policy, in particular the likely impact of the target on energy supplies, the renewable energy sector and the carbon and energy intensity of the Scottish economy,
- (k) environmental considerations and, in particular, the likely impact of the target on biodiversity,
- (l) the likely impact of the target on the achievement of sustainable development, including the achievement of the United Nations sustainable development goals,

....

**24.— Climate change plan**

(1) For section 35 of the 2009 Act, substitute—

"Climate change plan

35.— Climate change plan

(1) The Scottish Ministers must lay a climate change plan before the Scottish Parliament—

...

(24) Each plan under this section must explain—

...

(b) how the implementation of the plan is expected to contribute to the achievement of **sustainable development**, including the achievement of the United Nations **sustainable development** goals.

35C.— Just transition principles

(1) In this Act, the "just transition principles" are the importance of taking action to reduce net Scottish emissions of greenhouse gases in a way which—

(a) supports environmentally and socially sustainable jobs,

(b) supports low-carbon investment and infrastructure,

(c) develops and maintains social consensus through engagement with workers, trade unions, communities, non-governmental organisations, representatives of the interests of business and industry and such other persons as the Scottish Ministers consider appropriate,

(d) creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy,

(e) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty.

...

## **26. Sustainable development**

In section 92(1) of the 2009 Act, after "development" insert ", including the achievement of the United Nations **sustainable development** goals".

## **28.— Meaning of certain terms**

(1) Section 98 of the 2009 Act is amended as follows.

...

(11) After the definition of "UK Committee on Climate Change" insert—

""United Nations **sustainable development** goals" means the goals set out in "Transforming our world: the 2030 Agenda for **sustainable development**" adopted by the General Assembly of the United Nations by resolution A/Res/70/1 of 25 September 2015,".

33	<p>South of Scotland Enterprise Act 2019</p> <p>- note internal contradictions within list of aims.</p>	<p><b>5 Aims</b></p> <p>(1) South of Scotland Enterprise's aims are to—</p> <p>(a) further the sustainable economic and social development of the South of Scotland, and</p> <p>(b) improve the amenity and environment of the South of Scotland.</p> <p>(2) Achieving those aims may involve taking action directed towards (amongst other things)—</p> <p>(a) supporting inclusive and sustainable economic growth,</p> <p>(b) providing, maintaining and safeguarding employment,</p> <p>(c) increasing the number of residents in the South of Scotland who are of working age,</p> <p>(d) enhancing skills and capacities relevant to employment,</p> <p>(e) encouraging business start-ups and entrepreneurship,</p> <p>(f) supporting inclusive business models (such as social enterprises and co-operatives of any kind),</p> <p>(g) promoting commercial and industrial—</p> <p>(i) efficiency,</p> <p>(ii) innovativeness, and</p> <p>(iii) international competitiveness,</p> <p>(h) promoting digital connectivity,</p> <p>(i) promoting improved transport services and infrastructure,</p> <p>(j) supporting communities to help them meet their needs,</p> <p>(k) supporting community ownership of land and other assets,</p> <p>(l) maintaining, protecting and enhancing the natural and cultural heritage and environmental quality of the South of Scotland,</p> <p>(m) promoting the sustainable and efficient use and re-use of resources,</p> <p>(n) supporting the transitions required to meet the net-zero emissions target (as defined in section A1 of the Climate Change (Scotland) Act 2009),</p> <p>(o) encouraging and facilitating collaborations between persons that will advance one or more of South of Scotland Enterprise's aims.</p>
33	<p>Scottish National Investment Bank Act 2020</p>	<p><b>5 Balanced scorecard</b></p> <p>(1) The articles of association must provide that the Bank must prepare and update a document (“the balanced scorecard”) to assist its preparation of reports under this Act.</p> <p>(2) The articles of association must provide that, in preparing and updating the balanced scorecard, the Bank is to have regard to—</p> <p>(a) the economic impact of the performance of its investments over time,</p> <p>(b) the social impact of the performance of its investments over time,</p> <p>(c) the environmental impact of the performance of its investments over time,</p>

(d) any other impact (financial or non-financial) of the performance of its investments over time as the articles may provide.

**34** Consumer Scotland Act 2020

**2 The general function of providing consumer advocacy and advice**

(1) Consumer Scotland has the general function of providing consumer advocacy and advice with a view to...

...

(d) promoting—

(i) sustainable consumption of natural resources, and

(ii) other environmentally sustainable practices, in relation to the acquisition, use and disposal of goods by consumers in Scotland,

(e) otherwise advancing inclusion, fairness, prosperity and other aspects of wellbeing in Scotland.

**35**

UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021

**16 Purpose of the duties under sections 14 and 15**

(1) Those to whom the duties in sections 14 and 15 apply are to comply with the duties with a view

to—

(a) protecting and improving the environment, and

(b) contributing to sustainable development.

[not yet in force – 20.05.2022]

...

**CHAPTER 2: ENVIRONMENTAL GOVERNANCE**

**44 Meaning of "environmental law" and "effectiveness of environmental law**

...

(7) In this Chapter references to the effectiveness of environmental law are references to the

effectiveness of environmental law, or any particular aspect of it—

(a) in achieving its intended effect by reference to its contribution to—

(i) environmental protection, and

(ii) improving the health and wellbeing of Scotland's people, and achieving sustainable economic growth, so far as consistent with environmental protection...

...

**CHAPTER 3 ENVIRONMENTAL POLICY STRATEGY**

**47 Environmental policy strategy**

(1) The Scottish Ministers must prepare and publish an environmental policy strategy.

(2) The strategy must set out—

(a) objectives for protecting and improving the environment,

- (b) policies and proposals for achieving the objectives (or a summary or indication of such policies and proposals), and
- (c) arrangements for monitoring progress towards achieving the objectives.

(3) In preparing the strategy the Scottish Ministers must have regard to the desirability of securing that environmental policy—

- (a) aims at a high level of environmental protection,
- (b) contributes to **sustainable development**,
- (c) contributes to improving the health and wellbeing of Scotland's people,
- (d) contributes to objectives in policy areas other than environmental policy,
- (e) integrates environmental policy objectives into the development of policies in other areas,
- (f) responds to global crises in relation to climate change and biodiversity.

Good Food Nation (Scotland) Bill  
2021 (23/05/22 – at Stage 3)

**1 Requirement to produce plan**

**(1) The Scottish Ministers must—**

- (a) publish, and**
- (b) lay before the Scottish Parliament, a national good food nation plan.**

...

**(5) In determining the content of the national good food nation plan, the Scottish Ministers must have regard, among other things, to the scope for food-related issues to affect outcomes in relation to—**

- (a) social and economic wellbeing,**
- (b) the environment,**
- (c) health, and**
- (d) economic development.**

35 Acts of the Scottish Parliament out of 340 Acts (legislation.gov.uk – 16.11.2021; Westlaw – 20.05.2022) = 10.2%

**Notes:**

1. This is a list of sustainable development (SD) clauses in Acts of the Scottish Parliament – SD clauses from Scottish Statutory Instruments are not included here.

2. This list cannot be guaranteed to be exhaustive.

3. Budget Acts are not included here – those that have listed SD are the Budget (Scotland) Act 2003.

3. The clauses included herein may have been amended, but have not been fully checked for amendments.

4. Some Scottish Acts amend pre-devolution UK Acts.

5. Explanatory notes accompanying Acts may refer to sustainable development, but are not copied into this table.

6. **Sustainable development remains undefined in Scottish legislation.**