POLICY NOTE

THE CLIMATE CHANGE (DUTIES OF PUBLIC BODIES: REPORTING REQUIREMENTS) (SCOTLAND) AMENDMENT ORDER 2026

SSI 2026/266

The above instrument was made in exercise of the powers conferred by section 46(1) of the Climate Change (Scotland) Act 2009.

The instrument is subject to the negative procedure.

Summary Box

To update the list of public bodies in the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 ("the 2015 Order") that are required to prepare reports on compliance with climate change duties under, or by virtue of, the Climate Change (Scotland) Act 2009 ("the 2009 Act"). It replaces the Scottish Qualifications Authority (SQA) with Qualifications Scotland. The purpose is to ensure Qualifications Scotland is subject to the same duties as the SQA was previously.

Policy Objectives

Section 44(1) of the 2009 Act places public bodies under a duty to contribute to the delivery of Scotland's national emissions reduction targets and the national adaptation programme, and to act in a way the body considers to be most sustainable. The 2015 Order requires the public bodies listed in schedule 1 of that Order to report annually on compliance with these duties, using the form specified in schedule 2 of the Order.

The 2015 Order listed the SQA in schedule 1 Under the Education (Scotland) Act 2025, the SQA has been dissolved and replaced as Scotland's national qualifications body by Qualifications Scotland, established under section 1(1). This instrument therefore adds Qualifications Scotland to schedule 1 of the 2015 Order so that it is subject to the reporting duties under the Order. It also removes the reference to the SQA.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Amendment Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

While there was no specific stakeholder consultation on this instrument, A full appraisal of the consultation in relation to the Education (Scotland) Act that was undertaken and stakeholder views can be found in the published Policy Memorandum for the Education (Scotland) Bill - https://www.gov.scot/publications/consultation-provisions-education-bill/

https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/education-scotland-bill/introduced/policy-memorandum-accessible.pdf

The consultation sought views on the creation of Qualifications Scotland to replace the SQA. The response to consultation showed support for the creation of this replacement body. The creation of Qualifications Scotland was agreed to by Scottish Parliament when the 2025 Act was passed. This SSI supports the outcomes of that public consultation by updating legislation in consequence of the Education (Scotland) Act 2025. Given the limited scope of the order, it was considered that specific consultation on this instrument was not required.

Impact Assessments

In line with the requirements of the UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, a Children's Rights and Wellbeing Impact Assessment (CRWIA) has been completed. This instrument has no negative impacts on children's rights and wellbeing A full CRWIA was completed for the Education (Scotland) Bill.

No other impact assessments were conducted for this instrument however the impact assessments, or screenings, that were completed for the Education (Scotland) Bill are available here:

- https://www.gov.scot/publications/education-scotland-bill-child-rights-wellbeing-impact-assessment-crwia/
- https://www.gov.scot/publications/education-scotland-bill-data-protection-impact-assessment/
- https://www.gov.scot/publications/education-bill-equality-impact-assessment/
- https://www.gov.scot/publications/education-scotland-bill-fairer-scotland-duty-summary/
- https://www.gov.scot/publications/education-bill-island-communities-impact-assessment/

Financial Effects

The Cabinet Secretary for Education, Culture and Gaelic confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business. A full BRIA was completed for the Education (Scotland) Bill is available here: https://www.gov.scot/publications/education-bill-business-regulatory-impact-assessment/

Scottish Government
Education Directorate

22 September 2026