Draft Order laid before Parliament under paragraphs 1, 2 and 3 of Schedule 7 to the Scotland Act 1998, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2025 No.

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

EDUCATION

The Education (Scotland) Act 2025 (Consequential Provisions and Modifications) Order 2025

Made - - - - 2025

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1), 113(2), (4)(b) and (5) and 114(1) of the Scotland Act 1998(**a**).

In accordance with paragraphs 1, 2 and 3 of Schedule 7 to that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation, commencement and extent

1.—(1) This Order may be cited as the Education (Scotland) Act 2025 (Consequential Provisions and Modifications) Order 2025 and comes into force in accordance with paragraphs (2) to (7).

(2) Subject to paragraph (3), this article, paragraph 1(1) and (3) of Part 1 of the Schedule and, so far as relating to those provisions of the Schedule, article 4, come into force on the same day as section 1(1) of the Education (Scotland) Act 2025(**b**) comes into force.

(3) If section 1(1) of the Education (Scotland) Act 2025 is in force when this Order is made, the provisions of this Order mentioned in paragraph (2) come into force on the day after this Order is made.

(**a**) 1998 c. 46. There are amendments to sections 104, 112, 113 and 114 which are not relevant to this Order.
(**b**) 2025 asp 11.

(4) Article 2, paragraphs 2 to 22 of the Schedule and, so far as relating to those provisions of the Schedule, article 4 come into force on the same day as section 2 of the Education (Scotland) Act 2025 comes into force.

(5) Paragraph 1(2) of Part 1 of the Schedule and, so far as relating to that provision, article 4 come into force on the same day as section 9 of the Education (Scotland) Act 2025 comes into force.

(6) Article 3 comes into force on the same day as section 61 of the Education (Scotland) Act 2025 comes into force.

(7) Articles 5 and 6 come into force on the same day as section 33 of the Education (Scotland) Act 2025 comes into force.

(8) Subject to paragraph (9), this Order extends to England and Wales, Scotland and Northern Ireland.

(9) Any modification made by this Order has the same extent as the provision modified.

PART 2

Qualifications Scotland and the Scottish Qualifications Authority

Exercise of Qualifications Scotland's functions

2.—(1) The functions conferred on Qualifications Scotland by section 6 of the Education (Scotland) Act 2025 are exercisable in or as regards places outwith Scotland.

(2) Section 28(1)(d) of the Education (Scotland) Act 2025 applies to the exercise of functions by virtue of paragraph (1).

Transitional provision

3. Section 61 of the Education (Scotland) Act 2025 applies (despite subsection (4) of that section) to things done by or in relation to the Scottish Qualifications Authority which relate to its functions exercisable otherwise than in or as regards Scotland.

Modifications

4. The modifications specified in the Schedule have effect.

PART 3

His Majesty's Chief Inspector of Education in Scotland

Status of His Majesty's Chief Inspector of Education in Scotland as part of the Scottish Administration

5. His Majesty's Chief Inspector of Education in Scotland(**a**) (in Gaelic, *Àrd-Neach-sgrùdaidh an Rìgh airson Foghlam ann an Alba*) is part of the Scottish Administration(**b**).

(**a**) His Majesty's Chief Inspector of Education in Scotland is established by section 33(1) of the Education (Scotland) Act 2025.

(**b**) "Scottish Administration" is defined in section 126(6) of the Scotland Act 1998.

Construction of references to an office-holder in the Scottish Administration

6.—(1) Unless the context otherwise requires, references in the Scotland Act 1998 and any other enactment to an office-holder in the Scottish Administration are to be taken to include a reference to His Majesty's Chief Inspector of Education in Scotland.

(2) Paragraph (1) applies whether or not the enactment defines the expression "office-holder in the Scottish Administration" by reference to the Scotland Act 1998 or any other specific provision of that Act.

Name
Parliamentary Under Secretary of State
Scotland Office

Date

SCHEDULE

Article 4

PART 1

Modifications of Public General Acts

House of Commons Disqualification Act 1975

1.—(1) Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified)(**a**) is amended as follows.

(2) Omit the entry "The Advisory Council established under section 3 of the Scottish Qualification Authority Act 2002." and at the appropriate place insert—

"The Strategic Advisory Council established under section 9 of the Education (Scotland) Act 2025.".

(3) Omit the entry "The Scottish Qualifications Authority." and at the appropriate place insert—

"Qualifications Scotland."(**b**).

Education (Scotland) Act 1996

2. Section 8 of the Education (Scotland) Act 1996(**c**) is repealed.

PART 2

Modifications of Subordinate Legislation

Motor Vehicles (Driving Licences) Regulations 1999

3.—(1) The Motor Vehicles (Driving Licences) Regulations 1999(**d**) are amended as follows.

(2) In regulation 22 (interpretation of Part III)(**e**), in the definition of "educational qualification"—

(a) in sub-paragraph (a), for "the Scottish Qualifications Authority pursuant to section 2(1) of the Education (Scotland) Act 1996;" substitute "Qualifications Scotland pursuant to section 2(1) of the Education (Scotland) Act 2025;",

(b) in sub-paragraph (b), for "the Scottish Qualifications Authority pursuant to section 3(1) of the Education (Scotland) Act 1996;" substitute "Qualifications Scotland pursuant to section 4(1) of the Education (Scotland) Act 2025;".

Child Support (Maintenance Calculations and Special Cases) Regulations 2000

4.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations 2000(**f**) are amended as follows.

(**a**) 1975 c. 24. Part II of Schedule 1 was relevantly amended by paragraph 1 of Schedule 5 to the Education (Scotland) Act 1996 (c. 43) and paragraph 6 of the Schedule to the House of Commons Disqualification Order 2010 (S.I. 2010/762).

(**b**) Qualifications Scotland (in Gaelic, *Teisteanasan Alba*) is established by section 1(1) of the Education (Scotland) Act 2025 (asp 11).

(**c**) 1996 c. 43.

(**d**) S.I. 1999/2864.

(**e**) The definition of "educational qualification" in regulation 22 was inserted by regulation 6(b) of the Motor Vehicles (Driving Licences) (Amendment) Regulations 2010 (S.I. 2010/1203).

(**f**) S.I. 2001/155.

(2) In regulation 1(2) (citation, commencement and interpretation), in the definition of "course of advanced education", for "the Scottish Qualifications Authority", in each place where it appears, substitute "Qualifications Scotland".

Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001

5.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(**a**) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), in the definition of "course of advanced education", for "the Scottish Qualifications Authority", in each place where it appears, substitute "Qualifications Scotland".

Employment and Support Allowance Regulations 2008

6.—(1) The Employment and Support Allowance Regulations 2008(**b**) are amended as follows.

(2) In regulation 9(5) (conditions relating to youth – claimants aged 20 or over but under 25), in the definition of "advanced education", for "the Scottish Qualifications Authority", in each place where it appears, substitute "Qualifications Scotland".

Employment and Support Allowance Regulations (Northern Ireland) 2008

7.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**c**) are amended as follows.

(2) In regulation 9(5) (conditions relating to youth – claimants aged 20 or over but under 25), in the definition of "advanced education", for "the Scottish Qualifications Authority", in each place where it appears, substitute "Qualifications Scotland".

Education (Student Loans) (Repayment) Regulations 2009

8.—(1) The Education (Student Loans) (Repayment) Regulations 2009(**d**) are amended as follows.

(2) In regulation 3(1) (interpretation)(**e**) in the definition of "eligible course", after "the Scottish Qualifications Authority" insert "or Qualifications Scotland".

(3) In regulation 9(2)(b) (interpretation of Part 2), after "the Scottish Qualifications Authority" insert "or Qualifications Scotland".

Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009

9.—(1) The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009(**f**) are amended as follows.

(2) In regulation 6(2)(b) (interpretation of Part 2), after "the Scottish Qualifications Authority" insert "or Qualifications Scotland".

(**a**) S.R. 2001 No. 18.
(**b**) S.I. 2008/794.
(**c**) S.R. 2008 No. 280.
(**d**) S.I. 2009/470.
(**e**) The definition of "eligible course" in regulation 3(1) was inserted by regulation 5(1)(e) of the Education (Student Loans) (Repayment) (Amendment) (No. 4) Regulations 2022 (S.I. 2022/1335).
(**f**) S.R. 2009 No. 128.

Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009

10.—(1) The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(**a**) are amended as follows.

(2) In paragraph 3(b) of Schedule 3, after "the Scottish Qualifications Authority" insert "or Qualifications Scotland".

Children Act 1989 (Higher Education Bursary) (Wales) Regulations 2011

11.—(1) The Children Act 1989 (Higher Education Bursary) (Wales) Regulations 2011 (Rheoliadau Deddf Plant 1989 (Bwrsari Addysg Uwch) (Cymru) 2011)(**b**) are amended as follows.

(2) In regulation 4(1)(a)(iii)—

(a) in the English language text for "the Scottish Qualification Authority" substitute "Qualifications Scotland",

(b) in the Welsh language text, for "Awdurdod Cymwysterau'r Alban" substitute "Cymwysterau'r Alban".

(3) In regulation 4(2)(b)—

(a) in the English language text, for "the Scottish Qualification Authority" substitute "Qualifications Scotland",

(b) in the Welsh language text, for "Awdurdod Cymwysterau'r Alban" substitute "Cymwysterau'r Alban".

Education (Student Support) Regulations 2011

12.—(1) The Education (Student Support) Regulations 2011(**c**) are amended as follows.

(2) In paragraph 3(b) of Schedule 2, after "the Scottish Qualifications Authority" insert "or Qualifications Scotland".

Plant Protection Products (Sustainable Use) Regulations 2012

13.—(1) The Plant Protection Products (Sustainable Use) Regulations 2012(**d**) are amended as follows.

(2) In regulation 5(12) (designation of authorities (training and certification)), in the definition of "a regulator in the United Kingdom", for "the Scottish Qualifications Authority" substitute "Qualifications Scotland".

Employment and Support Allowance Regulations 2013

14.—(1) The Employment and Support Allowance Regulations 2013(**e**) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of "advanced education", for "the Scottish Qualifications Authority", in each place where it appears, substitute "Qualifications Scotland".

(**a**) S.R. 2009 No. 373.
(**b**) S.I. 2011/823 (W. 122).
(**c**) S.I. 2011/1986.
(**d**) S.I. 2012/1657.
(**e**) S.I. 2013/379.

Employment and Support Allowance Regulations (Northern Ireland) 2016

15.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2016(**a**) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of "advanced education", for "the Scottish Qualifications Authority", in each place where it appears, substitute "Qualifications Scotland".

Street Works (Qualifications of Operatives and Supervisors) (England) Regulations 2016

16.—(1) The Street Works (Qualifications of Operatives and Supervisors) (England) Regulations 2016(**b**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of "competent authority"(**c**), for "the Scottish Qualifications Authority" substitute "Qualifications Scotland",

(b) in the definition of "registration body", for "the Scottish Qualifications Authority" substitute "Qualifications Scotland".

Education (Student Support) (Wales) Regulations 2017

17.—(1) The Education (Student Support) (Wales) Regulations 2017 (Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2017)(**d**) are amended as follows.

(2) In paragraph 3(b) of Schedule 2—

(a) in the English language text after "the Scottish Qualification Authority" insert "or Qualifications Scotland",

(b) in the Welsh language text, after "Awdurdod Cymwysterau'r Alban" insert "neu Cymwysterau'r Alban".

Trade Union (Facility Time Publication Requirements) Regulations 2017

18.—(1) The Trade Union (Facility Time Publication Requirements) Regulations 2017(**e**) are amended as follows.

(2) In paragraph 165 of Schedule 1, for "The Scottish Qualifications Authority" substitute "Qualifications Scotland".

Education (Student Support) (Wales) Regulations 2018

19.—(1) The Education (Student Support) (Wales) Regulations 2018 (Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2018)(**f**) are amended as follows.

(2) In regulation 6(1) (designated courses – conditions), in Condition 1(c)—

(a) in the English language text—

(i) in paragraph (i), omit "or",

(ii) in paragraph (ii), for ";" substitute ", or",

(iii) after paragraph (ii), insert "(iii) Qualifications Scotland;";

(**a**) S.R. 2016 No. 219.
(**b**) S.I. 2016/1147.
(**c**) The definition of "competent authority" was amended by paragraph 8(2)(b) of Schedule 4 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286).
(**d**) S.I. 2017/47 (W. 21).
(**e**) S.I. 2017/328.
(**f**) S.I. 2018/191(W. 42). Regulation 16 was relevantly amended by regulation 4(d) of the Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814).

(b) in the Welsh language text—

(i) in paragraph (i), omit "neu",

(ii) in paragraph (ii), for ";" substitute ", neu",

(iii) after paragraph (ii), insert "(iii) Cymwysterau'r Alban;".

(3) In regulation 16(4)(c) (maximum period of eligibility – tuition fee loans and grants for certain continuing students)—

(a) in the English language text—

(i) omit "either",

(ii) after "Business and Technology Education Council" for "or" substitute ",",

(iii) after "the Scottish Qualification Authority" insert "or Qualifications Scotland";

(b) in the Welsh language text—

(i) for "naill ai'r" substitute "y",

(ii) after "Cyngor Addysg Busnes a Thechnoleg" for "neu" substitute ",",

(iii) after "Awdurdod Cymwysterau'r Alban" insert "neu Cymwysterau'r Alban".

(4) In paragraph 6(1) of Schedule 1—

(a) in the English language text, in the definition of "end-on course"—

(i) after "Business and Technology Education Council," omit "or",

(ii) after "the Scottish Qualification Authority, or" insert "(iii) Qualifications Scotland, or";

(b) in the Welsh language text, in the definition of "cwrs penben"—

(i) after "y Cyngor Addysg Busnes a Thechnoleg," omit "neu",

(ii) after "Awdurdod Cymwysterau'r Alban, neu" insert "(iii) Cymwysterau'r Alban, neu".

Higher Education and Research Act 2017 (Cooperation and Information Sharing) Regulations 2018

20.—(1) The Higher Education and Research Act 2017 (Cooperation and Information Sharing) Regulations 2018(**a**) are amended as follows.

(2) In the table in the Schedule—

(a) in the "relevant person" column, for the entry "Scottish Qualifications Authority", substitute "Qualifications Scotland",

(b) in the corresponding row in the "relevant function" column, for "Its functions under the Education (Scotland) Act 1996", substitute "Its functions under the Education (Scotland) Act 2025".

Agriculture (Student Fees) Regulations (Northern Ireland) 2023

21.—(1) The Agriculture (Student Fees) Regulations (Northern Ireland) 2023(**b**) are amended as follows.

(2) In regulation 4(a)(i)(bb) (higher education courses), for "the Scottish Qualifications Authority" substitute "Qualifications Scotland".

(**a**) S.I. 2018/607.
(**b**) S.R. 2023 No. 98.

Trade Union (Deduction of Union Subscriptions from Wages in the Public Sector) Regulations 2024

22.—(1) The Trade Union (Deduction of Union Subscriptions from Wages in the Public Sector) Regulations 2024(**a**) are amended as follows.

(2) In paragraph 176 of the Schedule, for "The Scottish Qualifications Authority" substitute Qualifications Scotland".

(**a**) S.I. 2024/143.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of the Education (Scotland) Act 2025 ("the 2025 Act"), which establishes Qualifications Scotland (in Gaelic, *Teisteanasan Alba*) and His Majesty's Chief Inspector of Education in Scotland (in Gaelic, *Àrd-Neach-sgrùdaidh an Rìgh airson Foghlam ann an Alba*), and makes provision about their respective functions.

Article 2 provides that the functions conferred on Qualifications Scotland by section 6 (working with, or recognition of, others) of the 2025 Act are exercisable in or as regards places outwith Scotland.

Article 3 provides that section 61 (transitional provisions) of the 2025 Act applies to things done by or in relation to the Scottish Qualifications Authority ("SQA") which relate to its functions exercisable otherwise than in or as regards Scotland. This is designed to function in conjunction with section 61(4) of the 2025 Act which provides that section 61 does not apply to such things as relate to the SQA's functions exercisable otherwise than in or as regards Scotland.

Article 4 and the Schedule make modifications to primary and secondary legislation in consequence of the 2025 Act.

Article 5 provides that His Majesty's Chief Inspector of Education in Scotland is part of the Scottish Administration.

Article 6 provides that, unless the context otherwise requires, references in the Scotland Act 1998 and any other enactment to an office-holder in the Scottish Administration, however defined, are to be taken to include references to His Majesty's Chief Inspector of Education in Scotland.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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£8.90

http://www.legislation.gov.uk/id/ukdsi/2025/9780348276053

ISBN 978-0-34-827605-3

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