SCOTTISH STATUTORY INSTRUMENTS

2025 No. 144

EDUCATION

The Education (Appeal Committee Procedures) (Scotland) Amendment Regulations 2025

Made - - - -	*13th May 2025*
Laid before the Scottish Parliament	*15th May 2025*
Coming into force - -	*1st August 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 28D(3) of the Education (Scotland) Act 1980(**a**) and section 22 and paragraph 6(6) of schedule 2 of the Education (Additional Support for Learning) (Scotland) Act 2004(**b**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Education (Appeal Committee Procedures) (Scotland) Amendment Regulations 2025 and come into force on 1 August 2025.

Amendment of the Education (Appeal Committee Procedures) (Scotland) Regulations 1982

2.—(1) The Education (Appeal Committee Procedures) (Scotland) Regulations 1982(**c**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) for the definition of "hearing"(**d**) substitute—

""hearing" means an oral hearing and includes a form of hearing conducted in whole or in part through the use of remote facilities;",

(b) after the definition of "reference" insert—

""remote facilities" means any equipment or facility which—

(a) enables persons who are not in the same place to participate in the hearing, and

(b) enables those persons to speak to and be heard by each other (whether or not it enables those persons to see and be seen by each other);".

(3) After regulation 7 (fixing date of hearing), insert—

(**a**) 1980 c. 44. Section 28D was inserted by section 1(1) of the Education (Scotland) Act 1981 (c. 58). The functions of the Secretary of State were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46).
(**b**) 2004 asp 4.
(**c**) S.I. 1982/1736, relevantly amended by S.S.I. 2020/128 and S.S.I. 2021/31.
(**d**) The definition of "hearing" in regulation 2 was inserted by regulation 3(2)(b) of S.S.I. 2020/128.

"Form of hearing

7A.—(1) Any hearing may be held—

(a) in person,

(b) with the agreement of all parties, wholly through the use of remote facilities,

(c) partly in person and partly through the use of remote facilities.

(2) Where a hearing is to be held in accordance with paragraph (1)(c)—

(a) an appellant who wishes to attend the hearing in person must be allowed to do so,

(b) the members of the appeal committee must attend the hearing in person.".

JENNY GILRUTH
A member of the Scottish Government

St Andrew's House,
Edinburgh
13th May 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Appeal Committee Procedures) (Scotland) Regulations 1982 ("the 1982 Regulations").

Regulation 2(2) amends regulation 2 (interpretation) of the 1982 Regulations, inserting new definitions of "hearing" and "remote facilities". Regulation 2(3) inserts a new section 7A which makes provision for the form of a hearing. A hearing may be held in person, wholly remotely or partly in person and partly remotely. Where a hearing is to be held wholly remotely, all parties must agree to the hearing being held remotely. Where a hearing is held partly in person and partly remotely (which will be of most relevance to hearings that are combined under regulation 9 of the 1982 Regulations), where an appellant wishes to attend the hearing in person they must be allowed to do so and the members of the appeal committee must attend the hearing in person.

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