SCOTTISH STATUTORY INSTRUMENTS

# 2026 No. 2 (C. 1)

# EDUCATION

## The Education (Scotland) Act 2025 (Commencement No. 2, Transitional and Transitory Provisions) Regulations 2026

*Made - - - -* *8th January 2026*

*Laid before the Scottish Parliament* *12th January 2026*

*Coming into force in accordance with regulation 1(1), (2), (3) and (4)*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 66(2) and (4) of the Education (Scotland) Act 2025(**a**) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Education (Scotland) Act 2025 (Commencement No. 2, Transitional and Transitory Provisions) Regulations 2026 and, subject to paragraphs (2) to (4), come into force on 27 January 2026.

(2) Regulations 3 and 10 come into force on 1 February 2026.

(3) Regulations 7, 8 and 9 come into force on 1 March 2026.

(4) Regulations 4, 5 and 6 come into force on 1 April 2026.

(5) In these Regulations "the Act" means the Education (Scotland) Act 2025.

**Appointed days**

**2.**—(1) 27 January 2026 is the day appointed for the coming into force of section 9 (Strategic Advisory Council) of the Act.

(2) 1 February 2026 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in Part 1 of the schedule (the subject matter of which is described in the corresponding entry in column 2 of that table).

(3) Where a purpose is specified in column 3 of the table in Part 1 of the schedule, the corresponding provision specified in column 1 of that table comes into force on 1 February 2026 only for that purpose.

(4) 1 March 2026 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in Part 2 of the schedule (the subject matter of which is described in the corresponding entry in column 2 of that table).

(**a**) 2025 asp 11.

(5) Where a purpose is specified in column 3 of the table in Part 2 of the schedule, the corresponding provision specified in column 1 of that table comes into force on 1 March 2026 only for that purpose.

(6) 1 April 2026 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in Part 3 of the schedule (the subject matter of which is described in the corresponding entry in column 2 of that table).

(7) 31 August 2026 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in Part 4 of the schedule (the subject matter of which is described in the corresponding entry in column 2 of that table).

(8) The day on which regulations made under section 9 of the Act come into force is the day appointed for the coming into force of section 8(1) and (2) (consultation with Strategic Advisory Council) of the Act for all remaining purposes.

**Transitional provision: section 16 of the Act**

**3.** Section 16(3)(iv)(B) (corporate plan of Qualifications Scotland) of the Act does not apply to the first corporate plan submitted to the Scottish Ministers under section 16(1).

**Transitional provision: section 17 of the Act**

**4.** Section 17(3)(b) and (4) (annual report of Qualifications Scotland) of the Act do not apply to the annual report mentioned in section 17(1) for the financial year ending on 31 March 2026.

**Transitional provision: section 18 of the Act**

**5.** Despite the coming into force of section 18 (annual quality assurance compliance report of Qualifications Scotland) of the Act, Qualifications Scotland is not required to prepare a report mentioned in section 18(1) relating to any period before 1 April 2026.

**Transitional provision: section 47 of the Act**

**6.** Despite the coming into force of section 47 (annual report) of the Act, the Chief Inspector(**a**) is not required to prepare a report mentioned in section 47(1) relating to any period before 1 April 2026.

**Transitional provision: schedule 4, Part 2, paragraph 21 of the Act**

**7.**—(1) Paragraphs (2) and (3) apply where before 1 March 2026—

(a) a reference has been made to the Scottish Ministers under section 66B(2) of the Education (Scotland) Act 1980(**b**), and

(b) the Scottish Ministers have not yet served a preliminary notice under section 66C(1)(**c**) of that Act.

(2) The reference mentioned in paragraph (1) is to be treated as a referral made by the Chief Inspector to the Scottish Ministers under section 55(2) of the Act.

(3) The inspection to which the reference mentioned in paragraph (1) relates is to be treated as an inspection carried out in pursuance of section 38(1) of the Act.

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(**a**) See definition in section 63(1) of the Education (Scotland) Act 2025.
(**b**) 1980 c. 44. Section 66B was inserted by section 1 of the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12).
(**c**) Section 66C was inserted by section 1 of the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12).

(4) Paragraph (5) applies where, before 1 March 2026, a preliminary notice has been served under section 66C(1) of the Education (Scotland) Act 1980.

(5) The preliminary notice mentioned in paragraph (4) is to be treated as a preliminary notice given by the Scottish Ministers under section 56(1) of the Act.

(6) Paragraph (7) applies where, before 1 March 2026, an enforcement direction has been given under section 66D(1) of the Education (Scotland) Act 1980(**a**).

(7) The enforcement direction mentioned in paragraph (6) is to be treated as an enforcement direction given by the Scottish Ministers under section 57(1) of the Act.

(8) Where before 1 March 2026 the Scottish Ministers have, instead of or as well as giving an enforcement direction, made such recommendations as they think appropriate under section 66D(10) of the Education (Scotland) Act 1980, those recommendations are to be treated as recommendations made by the Scottish Ministers under section 57(8) of the Act.

**Transitional provision: schedule 4, Part 2, paragraph 22 of the Act**

**8.**—(1) Paragraphs (2) and (3) apply where before 1 March 2026—

(a) a reference has been made to the Scottish Ministers under section 10A of the Standards in Scotland's Schools etc. Act 2000(**b**), and

(b) the Scottish Ministers have not yet served a preliminary notice under section 10B(1)(**c**) of that Act.

(2) The reference mentioned in paragraph (1) is to be treated as a referral made by the Chief Inspector to the Scottish Ministers under section 55(2) of the Act.

(3) The inspection to which the reference mentioned in paragraph (1) relates is to be treated as an inspection carried out in pursuance of section 38(1) of the Act.

(4) Paragraph (5) applies where, before 1 March 2026, a preliminary notice has been served under section 10B(1) of the Standards in Scotland's Schools, etc. Act 2000.

(5) The preliminary notice mentioned in paragraph (4) is to be treated as a preliminary notice given by the Scottish Ministers under section 56(1) of the Act.

(6) Paragraph (7) applies where, before 1 March 2026, an enforcement direction has been given under section 10C(1)(**d**) of the Standards in Scotland's Schools, etc. Act 2000.

(7) The enforcement direction mentioned in paragraph (6) is to be treated as an enforcement direction given by the Scottish Ministers under section 57(1) of the Act.

(8) Where before 1 March 2026 the Scottish Ministers have, instead of or as well as giving an enforcement direction, made such recommendations as they think appropriate under section 10C(10), those recommendations are to be treated as recommendations made by the Scottish Ministers under section 57(8) of the Act.

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(**a**) Section 66D was inserted by section 1 of the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12).

(**b**) 2000 asp 6. Section 10A was inserted by section 2 of the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12).

(**c**) Section 10B was inserted by section 2 of the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12).

(**d**) Section 10C was inserted by section 2 of the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12).

**Transitional provision: schedule 4, Part 2 of the Act**

**9.**—(1) Subject to paragraph (5), paragraphs (2) to (4) apply in respect of the enactments in schedule 4, Part 2 (consequential modifications: the Office of His Majesty's Chief Inspector of Education in Scotland) of the Act.

(2) Any relevant thing done by or in relation to His Majesty's inspectors of schools (however described) before 1 March 2026, so far as is required for continuing its effect on and after that date, has effect as if done by or in relation to the Chief Inspector.

(3) Any relevant thing which, immediately before 1 March 2026, is in the process of being done by or in relation to His Majesty's inspectors of schools may continue to be done by or in relation to the Chief Inspector on and after that date.

(4) In paragraphs (2) and (3) "relevant thing" means anything which, if it were to be done on or after 1 March 2026, would be done by or in relation to the Chief Inspector.

(5) This Regulation does not apply in respect of the enactments in schedule 4, Part 2, paragraphs 21, 22 and 27 of the Act.

**Transitory provision: section 61 of the Act**

**10.**—(1) In section 61(5) of the Act (transitional provisions) the definition of "dissolution date" is to be read as if for "the day on which section 60 comes into force" there were substituted "1 February 2026".

(2) Paragraph (1) has effect during the period beginning on 1 February 2026 and ending immediately before section 60 of the Act comes into force.

*JENNY GILRUTH*
A member of the Scottish Government

St Andrew's House,
Edinburgh
8th January 2026

# SCHEDULE

Regulation 2

## Appointed Days

## PART 1

Provisions of the Act coming into force on 1 February 2026

| *Column 1 (provision of the Act)* | *Column 2 (subject matter)* | *Column 3 (purpose)* |
|---|---|---|
| Section 1(2) and 1(3) | Qualifications Scotland | For all remaining purposes |
| Section 2 | The function of awarding qualifications | |
| Section 3 | The quality assurance function | |
| Section 4 | The accreditation function | |
| Section 5 | The advisory function | |
| Section 6 | Working with, or recognition of, others | |
| Section 7 | Duties when exercising functions | |
| Section 8(2) | Consultation with Strategic Advisory Council | For the purposes of Scottish Ministers issuing any guidance as to the fulfilment of the requirement imposed by subsection (1) |
| Section 8(3), (4) and (5) | Consultation with Strategic Advisory Council | |
| Section 10 | Expert Group on Qualifications Standards | |
| Section 14 | Other charters | |
| Section 15 | Guidance about assistance for people with educational support needs | |
| Section 16 | Corporate plan of Qualifications Scotland | |
| Section 20 | Accounts and audit of Qualifications Scotland | |
| Section 21 | Scottish Ministers' power to direct Qualifications Scotland | |

| *Column 1 (provision of the Act)* | *Column 2 (subject matter)* | *Column 3 (purpose)* |
|---|---|---|
| Section 22 | Guidance by the Scottish Ministers to Qualifications Scotland | |
| Section 23 | Provision of information by Qualifications Scotland | |
| Section 24 | Corporate plan of the Accreditation Committee | |
| Section 26 | Scottish Ministers' power to direct the Accreditation Committee | |
| Section 27 | Financial assistance | |
| Section 28 | Funding and use of resources | |
| Section 29 | General powers | |
| Section 30 | Publication of documents | |
| Section 31 | Review of arrangements for assuring quality of qualifications | |
| Section 32 | Review of accreditation function | |
| Section 59 | Transfer of staff, property etc. to Qualifications Scotland | For all remaining purposes |
| Section 61 | Transitional provisions | |
| Section 62 | Consequential modifications | For the purpose of bringing into force schedule 4, Part 1, paragraphs 1(2)(b), 2, 3, 4(2)(b), 5, 6, 7, 8(2)(b), 9, 10 and 12 to 15 |
| Schedule 1, Part 3 and Part 4 paragraphs 10, 11(1) to (7) and (9) to (11), 12(1) to (7) and (9) to (10), 13, 14, 15 and 16 | Qualifications Scotland | |
| Schedule 3 paragraphs 1, 2, 3 and 4 | Transfer of staff, property, etc. to Qualifications Scotland | |
| Schedule 4, Part 1, paragraphs 1(2)(b), 2, 3, 4(2)(b), 5, 6, 7, 8(2)(b), 9, 10 and 12 to 15 | Consequential modifications | |

## PART 2

Provisions of the Act coming into force on 1 March 2026

| *Column 1 (provision of the Act)* | *Column 2 (subject matter)* | *Column 3 (purpose)* |
|---|---|---|
| Section 33 | His Majesty's Chief Inspector of Education in Scotland | |
| Section 34 | Deputy Chief Inspector of Education in Scotland | |
| Section 35 | His Majesty's Inspectors of Education in Scotland | |
| Section 36 | Assistance with inspections | |
| Section 37 | Purpose of inspection | |
| Section 38 | The inspection function | |
| Section 39 | Meaning of "relevant educational establishment" and "excepted establishment" | |
| Section 40 | The voluntary arrangements function | |
| Section 41 | The advisory function | |
| Section 42 | Working with others | |
| Section 43 | Duties when exercising functions | |
| Section 44 | Advisory Council | |
| Section 45 | Inspection plan | |
| Section 46 | Reports on inspections | |
| Section 48 | Report on performance of the Scottish education system | |
| Section 49 | Other reports | |
| Section 50 | Protection from actions of defamation | |
| Section 51 | General powers | |
| Section 52 | Powers of entry and inspection | |
| Section 53 | Duty to provide assistance | |
| Section 54 | Offences | |
| Section 55 | Necessary improvements: referral to Scottish Ministers | |
| Section 56 | Preliminary notice of enforcement action | |
| Section 57 | Enforcement direction | |

| *Column 1 (provision of the Act)* | *Column 2 (subject matter)* | *Column 3 (purpose)* |
|---|---|---|
| Section 58 | Publication of documents | |
| Section 62 | Consequential modifications | For the purpose of bringing into force schedule 4, Part 2 |
| Schedule 2 | The Office of His Majesty's Chief Inspector of Education in Scotland | |
| Schedule 4, Part 2 | Consequential modifications | |

## PART 3

Provisions of the Act coming into force on 1 April 2026

| *Column 1 (provision of the Act)* | *Column 2 (subject matter)* |
|---|---|
| Section 17 | Annual report of Qualifications Scotland |
| Section 18 | Annual quality assurance compliance report of Qualifications Scotland |
| Section 19 | Reports of advice to Qualifications Scotland from certain committees |
| Section 25 | Annual report of the Accreditation Committee |
| Section 47 | Annual report |

## PART 4

Provisions of the Act coming into force on 31 August 2026

| *Column 1 (provision of the Act)* | *Column 2 (subject matter)* |
|---|---|
| Section 11 | The learner charter |
| Section 12 | The teacher and practitioner charter |
| Section 13 | Reviewing and revising the charters |

## EXPLANATORY NOTE

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

These Regulations bring into force various provisions of the Education (Scotland) Act 2025 ("the Act") on days appointed under regulation 2. They also make related transitional and transitory provision.

Regulation 2(1) provides that section 9 (Strategic Advisory Council) comes into force on 27 January 2026. Regulation 2(2) and (3) provide that the provisions in column 1 of the table in Part 1 of the schedule come into force on 1 February 2026 and, where a purpose is specified in column 3 of that table, only for that purpose. Regulation 2(4) and (5) provide that the provisions in column 1 of the table in Part 2 of the schedule come into force on 1 March 2026 and, where a purpose is specified in column 3 of that table, only for that purpose. Regulation 2(6) provides that the provisions in column 1 of the table in Part 3 of the schedule come into force on 1 April 2026. Regulation 2(7) provides that the provisions specified in column 1 of the table in Part 4 of the schedule come into force on 31 August 2026. Regulation 2(8) provides that section 8(1) and (2) (consultation with Strategic Advisory Council) come into force for all remaining purposes on the day that regulations made under section 9, which will establish the Strategic Advisory Council, come into force.

Regulation 3 makes transitional provision in relation to section 16 (corporate plan of Qualifications Scotland), which is brought into force by these Regulations on 1 February 2026. This provides that section 16(3)(iv)(B) does not apply to the first corporate plan submitted to the Scottish Ministers under section 16(1). Section 16(3)(iv)(B) requires the corporate plan to set out what Qualifications Scotland intends to do to satisfy the expectations set out in its charters, which will not be in place when the first corporate plan is submitted.

Regulation 4 makes transitional provision in relation to section 17 (annual report of Qualifications Scotland), which is brought into force by these Regulations on 1 April 2026. This provides that section 17(3)(b) and (4) do not apply to the annual report for the financial year ending on 31 March 2026. Section 17(3)(b) and (4) require the annual report to include a statement of what Qualifications Scotland has done to satisfy the expectations set out in its charters and to set out certain matters where it has failed to satisfy any expectation in its charters.

Regulation 5 makes transitional provision in relation to section 18 (annual quality assurance compliance report of Qualifications Scotland), which is brought into force by these Regulations on 1 April 2026. This provides that Qualifications Scotland is not required to prepare a report mentioned in section 18(1) relating to any period before 1 April 2026.

Regulation 6 makes transitional provision in relation to section 47 (annual report), which is brought into force by these Regulations on 1 April 2026. This provides the Chief Inspector is not required to prepare a report mentioned in section 47(1) relating to any period before 1 April 2026.

Regulation 7 makes transitional provision in relation to schedule 4, Part 2, paragraph 21 (consequential modifications) of the Act, which repeals certain provisions of the Education (Scotland) Act 1980 ("the 1980 Act") and is brought into force by these Regulations on 1 March 2026. Regulation 7 provides that where before 1 March 2026 a reference has been made under section 66B(2) of the 1980 Act and a preliminary notice has not yet been served, the reference is to be treated as a referral made under section 55(2) of the Act and the inspection to which the reference relates is to be treated as an inspection carried out in pursuance of section 38(1) of the

Act. Where before 1 March 2026 a preliminary notice has been served under section 66C(1) of the 1980 Act, it is to be treated as a preliminary notice given under section 56(1) of the Act. Where before 1 March 2026 an enforcement direction has been given under section 66D(1) of the 1980 Act, it is to be treated as an enforcement direction given under section 57(1) of the Act. Where before 1 March 2026 recommendations have been made under section 66D(10) of the 1980 Act, those are to be treated as recommendations made under section 57(8) of the Act.

Regulation 8 makes transitional provision in relation to schedule 4, Part 2, paragraph 22 (consequential modifications) of the Act, which repeals certain provisions of the Standards in Scotland's Schools etc. Act 2000 ("the 2000 Act") and is brought into force by these Regulations on 1 March 2026. These make equivalent transitional provision to regulation 7 in relation to references, inspections, preliminary notices, enforcement directions and recommendations under the 2000 Act.

Regulation 9 makes transitional provision in relation to schedule 4, Part 2 (consequential modifications: the Office of His Majesty's Chief Inspector of Education in Scotland) of the Act, which is brought into force on 1 March 2026 by these Regulations, in respect of provisions that replace references to HM inspectors in legislation with references to His Majesty's Chief Inspector of Education in Scotland ("the Chief Inspector"). Regulation 9 provides that any relevant thing (defined in paragraph (4)) done by or in relation to HM inspectors before 1 March 2026, so far as required for continuing its effect on or after that date, has effect as if done by or in relation to the Chief Inspector. Any relevant thing which, immediately before 1 March 2026, is in the process of being done by or in relation to HM inspectors may continue to be done by or in relation to the Chief Inspector on and after that date. This transitional provision does not apply in respect of the enactments in paragraphs 21, 22 and 27 of schedule 4, Part 2 of the Act.

Regulation 10 makes transitory provision in relation to section 61 (transitional provisions) which is brought into force by these Regulations on 1 February 2026. Section 61 makes transitional provision relating to the replacement under the Act of the Scottish Qualifications Authority ("the SQA") with Qualifications Scotland. The transitional provision under section 61 applies to things done before the dissolution date, being the date that section 60 comes into force dissolving the SQA. Under these Regulations provisions conferring functions on Qualifications Scotland come into force on 1 February 2026. Regulation 10 therefore provides that during the period from 1 February 2026 until immediately before section 60 comes into force, the dissolution date is to be read as 1 February 2026.

The Bill for the Act received Royal Assent on 6 August 2025. Sections 63 to 67 came into force the following day.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

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

The following provisions of the Education (Scotland) Act 2025 have been brought into force by commencement regulations made before the date of these Regulations.

| *Provision* | *Date of Commencement* | *S.S.I. No.* |
|---|---|---|
| Section 1(1) | 1 December 2025 | 2025/351 |
| Section 1(2) and 1(3) (For the purpose of bringing into force schedule 1, Parts 1 and 2, and Part 4 paragraphs 11(8), 12(8) and (17) | 1 December 2025 | 2025/351 |

| | | |
|---|---|---|
| Section 59 (For the purpose of bringing into force schedule 3, paragraph 5) | 1 December 2025 | 2025/351 |
| Section 62 (For the purpose of bringing into force schedule 4, Part 1, Chapter 1, paragraphs 1(1), 1(2)(a), 4(1), 4(2)(a), 8(1) and 8(2)(a)) | 1 December 2025 | 2025/351 |
| Schedule 1, Parts 1 and 2, and Part 4 paragraphs 11(8), 12(8) and 17 | 1 December 2025 | 2025/351 |
| Schedule 3, paragraph 5 | 1 December 2025 | 2025/351 |
| Schedule 4, Part 1, Chapter 1 paragraphs 1(1), 1(2)(a), 4(1), 4(2)(a), 8(1) and 8(2)(a) | 1 December 2025 | 2025/351 |

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