SCOTTISH STATUTORY INSTRUMENTS

2026 No. 40

EDUCATION

PUBLIC FINANCE AND ACCOUNTABILITY

The Education (Scotland) Act 2025 (Consequential Provisions) Regulations 2026

Made - - - - 28th January 2026

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 65(1) of the Education (Scotland) Act 2025(**a**), section 7(1)(b) of the Budget (Scotland) Act 2025(**b**) and all other powers enabling them to do so.

In accordance with section 64(4)(a) of the Education (Scotland) Act 2025 and section 7(2) of the Budget (Scotland) Act 2025, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Scotland) Act 2025 (Consequential Provisions) Regulations 2026 and come into force in accordance with paragraphs (2) and (3).

(2) Subject to paragraph (3), these regulations come into force on the same day as section 1 of the Act comes into force for all purposes.

(3) The following regulations come into force on the same day as section 33 of the Act comes into force for all purposes—

(a) regulation 2(2), (3) and (4),

(b) regulation 3,

(c) regulation 4(2)(a).

(4) In this regulation "the Act" means the Education (Scotland) Act 2025.

(**a**) 2025 asp 11.
(**b**) 2025 asp 7.

Amendment of the Education (Scotland) Act 2016

2.—(1) The Education (Scotland) Act 2016(**a**) is amended as follows.

(2) In section 6B(3) (standards relating to Gaelic education) (inserted by section 16(2) of the Scottish Languages Act 2025(**b**)), for paragraph (d) substitute—

"(d) His Majesty's Chief Inspector of Education in Scotland(**c**),".

(3) In section 13B (process for assessment of viability) (inserted by section 29(2) of the Scottish Languages Act 2025), for subsection (1)(a)(ii) substitute—

"(ii) His Majesty's Chief Inspector of Education in Scotland,".

(4) In section 13D (power for Scottish Ministers to direct establishment of all-Gaelic school) (inserted by section 29(2) of the Scottish Languages Act 2025), for subsection (2)(a)(ii) substitute—

"(ii) His Majesty's Chief Inspector of Education in Scotland, and".

(5) In section 16B (availability of qualifications through the medium of Gaelic) (inserted by section 23(2) of the Scottish Languages Act 2025)—

(a) for "the Scottish Qualifications Authority" substitute "Qualifications Scotland(**d**)" in both places where it appears,

(b) for "the Authority" substitute "Qualifications Scotland" in both places where it appears.

(6) In section 16C (production of material relating to qualifications through the medium of Gaelic) (inserted by section 23(2) of the Scottish Languages Act 2025) for "the Scottish Qualifications Authority" substitute "Qualifications Scotland" in both places where it appears.

Amendment of the Gaelic Language (Scotland) Act 2005

3.—(1) The Gaelic Language (Scotland) Act 2005(**e**) is amended as follows.

(2) In section 3 (Gaelic language plans), in subsection (6A) (inserted by section 22(2)(b) of the Scottish Languages Act 2025), for paragraph (a) substitute—

"(a) His Majesty's Chief Inspector of Education in Scotland,".

Amendment of the Budget (Scotland) Act 2025

4.—(1) The Budget (Scotland) Act 2025, schedule 1 (the Scottish Administration) is amended as follows.

(2) In column 1 (purposes) of the table, in relation to purpose 4—

(a) after "funding of" insert "the office of His Majesty's Chief Inspector of Education in Scotland,",

(b) for "and Scottish Qualifications Authority accreditation" substitute ", Scottish Qualifications Authority accreditation and Qualifications Scotland accreditation",

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(**a**) 2016 asp 8.
(**b**) 2025 asp 10.
(**c**) The office of His Majesty's Chief Inspector of Education in Scotland is established by the Education (Scotland) Act 2025 (asp 11), section 33(1).
(**d**) Qualifications Scotland is established by the Education (Scotland) Act 2025 (asp 11), section 1(1).
(**e**) 2005 asp 7.

(c) after "Scottish Qualifications Authority" where it second appears, insert "and Qualifications Scotland".

JENNY GILRUTH
A member of the Scottish Government

St Andrew's House,
Edinburgh
28th January 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in consequence of the Education (Scotland) Act 2025 ("the Act"). Part 1 of the Act establishes Qualifications Scotland, which replaces the Scottish Qualifications Authority ("SQA"). Part 2 of the Act establishes the office of His Majesty's Chief Inspector of Education in Scotland ("HMCIES"), which will take on functions previously exercised by His Majesty's inspectors of schools ("HM inspectors") appointed under the Education (Scotland) Act 1980.

Regulation 2 makes amendments to provisions of the Education (Scotland) Act 2016 ("the 2016 Act") inserted by the Scottish Languages Act 2025 ("the 2025 Act"). Section 6B of the 2016 Act provides that, in preparing Regulations which specify standards and requirements relating to Gaelic education, the Scottish Ministers must consult HM inspectors. Section 29(2) of the 2025 Act, which is not yet in force, inserts new sections 13B and 13D into the 2016 Act. Section 13B requires education authorities, in considering the viability of establishing all-Gaelic schools, to seek advice from HM inspectors. Section 13D provides that before directing an education authority to establish an all-Gaelic school, the Scottish Ministers must seek advice from HM inspectors. All of these requirements relating to HM inspectors are replaced by regulation 2 with the same requirements relating to HMCIES. Sections 16B and 16C of the 2016 Act make provision about SQA's duties in relation to the availability of qualifications through the medium of Gaelic and production of materials relating to such qualifications. Regulation 2(5) and (6) replace the duties on the SQA with duties on Qualifications Scotland.

Regulation 3 makes amendments to provisions of the Gaelic Language (Scotland) Act 2005 ("the 2005 Act") inserted by the 2025 Act which are not yet in force. Section 22(2)(d) of the 2025 Act inserts new section 3(6A) into the 2005 Act which requires education authorities to consult with HM inspectors in preparing Gaelic language plans. Regulation 3 replaces this with a requirement to consult HMCIES.

Regulation 4 makes amendments to the Budget (Scotland) Act 2025, to include within schedule 1 (the Scottish Administration) of that Act funding of the office of HMCIES, grant funding for Qualifications Scotland accreditation, and grant in aid for Qualifications Scotland.

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

ISBN 978-0-11-106544-0

£6.40

http://www.legislation.gov.uk/id/ssi/2026/40

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