POLICY NOTE

THE OFFICIAL STATISTICS (SCOTLAND) AMENDMENT ORDER 2026

SSI 2026/38

The above instrument is made in exercise of the powers conferred by section 6(1)(b)(ii) and (2) of the Statistics and Registration Service Act 2007. The instrument is subject to affirmative procedure.

Summary Box

To support implementation of the Education (Scotland) Act 2025, the SSI amends the Official Statistics (Scotland) Order 2008 . It replaces the Scottish Qualifications Authority (SQA) with Qualifications Scotland as a listed official statistics producer in Scotland.

Policy Objectives

The Education (Scotland) Act 2025 ("the 2025 Act") establishes Qualifications Scotland as Scotland's public body responsible for delivering, awarding and accrediting qualifications, replacing the Scottish Qualifications Authority (SQA).

The Official Statistics (Scotland) Order 2008 ("the 2008 Order"), made under the Registration Service Act 2007 ("the 2007 Act") provides that wholly Scottish devolved statistics (as defined in section 66 of the 2007 Act) produced by the persons listed in the schedule are specified as official statistics for the purposes of the Statistics and Registration Service Act 2007. The SQA is specified as a producer of official statistics in the schedule to the 2008 Order. Under the 2007 Act, the SQA is bound by the Code of Practice for official statistics and how they are published. The policy objective is to ensure Qualifications Scotland becomes an official statistics producer in place of the SQA and is bound by the same Code of Practice. This SSI will remove SQA from the 2008 Order and insert Qualifications Scotland.

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 Official Statistics (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

Under the Statistics and Registration Service Act 2007 it is a statutory requirement for the Scottish Ministers to consult with the Statistics Board before any changes to those listed under the 2008 Order are made. That consultation has been undertaken and the UK Statistics Authority have confirmed they are supportive of this change.

While there was no specific stakeholder consultation on this instrument, consultation on the Education (Scotland) Act 2025 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 the Scottish Parliament when it passed the Education (Scotland) Act 2025. This SSI supports the outcomes of that public consultation by updating legislation in consequence of the Education (Scotland) Act 2025.

Impact Assessments

In line with 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 for this Order. A positive impact has been identified, as it supports the full implementation of the Education (Scotland) Act and the positive effects the Act will bring for children's rights and wellbeing as identified in the Act's CRWIA.

No further impact assessments were developed for this SSI, however a range of other impact assessments for the 2025 Act were produced and can be found here:[1]

Financial Effects

A Financial Memorandum for the Education (Scotland) Act 2025 was completed and is available[2]. A supplementary Financial Memorandum was provided after Stage 2 and is available[3].

The Cabinet Secretary confirms that no Business and Regulatory Impact Assessment (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) Act 2025 and is available[4].

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[1] 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/
https://www.gov.scot/publications/education-scotland-bill-strategic-environment-assessment-sea-pre-screening-notification/

[2] https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/education-scotland-bill/introduced/financial-memorandum.pdf

[3] https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/education-scotland-bill/stage-2/spbill49afms062025accessible.pdf

[4] https://www.gov.scot/publications/education-bill-business-regulatory-impact-assessment/

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