SCOTTISH STATUTORY INSTRUMENTS

2026 No. 36

EDUCATION

The Qualifications Scotland (Strategic Advisory Council) (Establishment) Regulations 2026

Made - - - -	*28th January 2026*
Laid before the Scottish Parliament	*30th January 2026*
Coming into force - -	*12th March 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 9 of the Education (Scotland) Act 2025(**a**) and all other powers enabling them to do so.

Citation, commencement and interpretation

1. These Regulations may be cited as the Qualifications Scotland (Strategic Advisory Council) (Establishment) Regulations 2026 and come into force on 12 March 2026.

2. In these Regulations—

"the 2025 Act" means the Education (Scotland) Act 2025,

"the Council" means the Strategic Advisory Council established by these Regulations.

Establishment of the Council

3. The Strategic Advisory Council is established.

Purposes of the Council

4. The purposes of the Council are as stated in section 9(1) of the 2025 Act.

Consultation – Qualifications Scotland

5. The Council must—

(a) in the exercise of its functions, in every case in which it appears to the Council to be appropriate to do so—

(i) consult such of the following persons and committees as the Council considers appropriate—

(aa) Qualifications Scotland,

(bb) the Learner Interest Committee,

(cc) the Teacher and Practitioner Interest Committee,

(**a**) 2025 asp 11.

(dd) any other committee or sub-committee established by Qualifications Scotland,

(ee) such other persons as the Council considers appropriate,

(ii) have regard to any consultation carried out by Qualifications Scotland,

(b) have regard to any guidance issued by the Scottish Ministers as to compliance with the requirements imposed by virtue of paragraph (a).

Membership

6.—(1) The membership of the Council is to consist of—

(a) one or more persons who appear to the Scottish Ministers to represent the interests of children and young people,

(b) one or more persons who appear to the Scottish Ministers to have knowledge of the needs and interests of persons with educational support needs who are undertaking a Qualifications Scotland qualification,

(c) one or more persons who appear to the Scottish Ministers to represent the interests of parents and carers of children and young people undertaking a Qualifications Scotland qualification,

(d) one or more persons who are representatives of a trade union (within the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992(**a**)) which appears to the Scottish Ministers to be representative of the interests of staff of educational establishments in Scotland,

(e) one or more persons who appear to Scottish Ministers to be representative of the business, industry and skills sectors,

(f) one or more persons acting as the director of education of an education authority,

(g) one or more persons who are representatives of the Scottish Further and Higher Education Funding Council(**b**),

(h) one or more persons who appear to the Scottish Ministers to be representative of colleges of further education within the meaning of section 35(1) of the 2005 Act,

(i) one or more persons who appear to the Scottish Ministers to be representative of higher education institutions within the meaning of section 35(1) of the 2005 Act,

(j) subject to paragraph (3), such other persons having the skills, knowledge and expertise relevant to the functions of the Council as the Scottish Ministers consider appropriate.

(2) Two members of the Council are to be appointed by the Scottish Ministers as conveners, one (but only one) of whom must also be a member of Qualifications Scotland.

(3) Members of staff of Qualifications Scotland may not be appointed as members of the Council.

(4) In this regulation—

"educational establishment" has the meaning given by section 135(1) of the Education (Scotland) Act 1980(**c**),

"the 2005 Act" means the Further and Higher Education (Scotland) Act 2005(**d**).

(**a**) 1992 c. 52.

(**b**) The Scottish Further and Higher Education Funding Council was established under section 1 of the Further and Higher Education (Scotland) Act 2005 (asp 6).

(**c**) 1980 c. 44.

(**d**) 2005 asp 6. Definitions of "college of further education" and "higher education institution" were inserted into section 35(1) by paragraph 8(23)(a)(i) and (iii) of schedule 1 of the Post-16 Education (Scotland) Act 2013 (asp 12).

Appointment of members

7. A member of the Council—

(a) is to be appointed by the Scottish Ministers for a period not exceeding 4 years ("a term"),

(b) may be reappointed for one or more further terms, but may not serve more than 12 years in total as a member,

(c) in other respects, holds and vacates office on such terms and conditions as the Scottish Ministers may determine.

Early termination of membership

8.—(1) A person's appointment as a member of the Council ends if—

(a) the person resigns by giving notice in writing to the Scottish Ministers,

(b) the Scottish Ministers give the person written notice that the person is removed from the Council.

(2) The Scottish Ministers may remove a member of the Council by virtue of paragraph (1)(b) if any of the following circumstances apply—

(a) the member has been absent, without reasonable excuse, from meetings of the Council and any of its committees to which the member has been appointed, for a period of longer than six consecutive months,

(b) the member—

(i) was appointed to satisfy regulation 6(1)(d), (f) or (g), and

(ii) has ceased to be a person mentioned in that paragraph,

(c) the Scottish Ministers consider that the member is—

(i) unable to perform the functions of a member, or

(ii) unsuitable to continue as a member.

Allowances and expenses

9. Qualifications Scotland may pay to the conveners and other members of the Council such allowances and expenses as the Scottish Ministers may from time to time determine.

Committees

10. The Council may establish committees or sub-committees for or in connection with the discharge of its functions.

11. The Council is to determine the complement of such committees or sub-committees, which may include persons who are not members of the Council.

Proceedings

12.—(1) The Council is to regulate its own procedure (including quorum) and that of any committees or sub-committees established by it.

(2) In each financial year, at least one meeting of the Council is to be open to the public and the Council, together with Qualifications Scotland, must take reasonable steps to promote attendance at such meetings by members of the public.

(3) The Council must allow members of staff of Qualifications Scotland to observe or participate in meetings of the Council at the discretion of the conveners.

(4) The Council must allow a representative of the Scottish Ministers to observe or participate in meetings of the Council.

Provision of information and advice

13.—(1) Qualifications Scotland is to provide any information that the Council reasonably requests for the purpose of performing its functions.

(2) Where Qualifications Scotland does not provide information requested under paragraph (1) it must, at the request of the Council, provide an explanation in writing for its decision.

(3) The Council must provide—

(a) the Scottish Ministers with a copy of any advice provided by the Council in writing to Qualifications Scotland,

(b) Qualifications Scotland with a copy of any advice provided by the Council in writing to Scottish Ministers.

(4) Where advice is provided to Qualifications Scotland by the Council in writing, Qualifications Scotland must—

(a) provide a response in writing, and

(b) provide a copy of that response to the Scottish Ministers.

Validity of things done

14. The validity of anything done by the Council or its committees or sub-committees is not affected by any of the following—

(a) any vacancy in membership,

(b) the absence of one or both of the conveners,

(c) a defect in the appointment of a member,

(d) a person's membership ending by virtue of regulation 8.

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, made under section 9 of the Education (Scotland) Act 2025, provide for:

- the establishment of the Strategic Advisory Council ("the Council"),
- the purposes of considering matters relating to Qualifications Scotland qualifications and its functions and procedure;
- the provision of advice to Qualifications Scotland or to Scottish Ministers in relation to those matters.

These Regulations also make provision for the membership and procedure of the Council.

Regulations 6 and 7 make provision for the membership of the Council and for the appointment of members.

Regulation 8 makes provision relating to the early termination of membership of Council members.

Regulation 9 provides for payment of allowances and expenses to Council members.

Regulations 10 and 11 provide for the establishment by the Council of committees and sub-committees.

Regulation 12 contains provisions relating to the proceedings of the Council.

Regulation 13 makes provision relating to the provision of information by Qualifications Scotland to the Council and the provision of advice by the Council to Qualifications Scotland and the Scottish Ministers.

Regulation 14 makes provision relating to the validity of proceedings of the Council.

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