

EXPLANATORY NOTES

Schools (Residential Outdoor Education) (Scotland) Act 2026 (asp 3)

£8.90

SCHOOLS (RESIDENTIAL OUTDOOR EDUCATION) (SCOTLAND) ACT 2026

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes have been prepared by the Scottish Parliament's Non-Government Bills Unit on behalf of Liz Smith MSP, the member who introduced the Bill for this Act in the Parliament, in order to assist the reader of the Schools (Residential Outdoor Education) (Scotland) Act ("the Act"). They do not form part of the Act and have not been endorsed by the Parliament.

2. The Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation, none is given.

THE ACT

SUMMARY OF AND BACKGROUND TO THE ACT

3. The Act makes provision for residential outdoor education for school children by amending the Education (Scotland) Act 1980 ("the 1980 Act")[1]. Part 1 of the 1980 Act makes provision in relation to school education, including for social activities and physical education (section 6) and therefore the Act amends Part 1 of the 1980 Act to include residential outdoor education. The Act makes provision for every school pupil in local authority or grant-aided schools to have the opportunity to attend a course of residential outdoor education that consists of four overnight stays and five days. This course can be provided all at once or on separate occasions as long as it amounts to the same length.

4. The Act also provides that the Scottish Ministers must prepare and publish guidance for education authorities and managers of grant-aided schools, and sets out what that guidance must cover.

5. The Act provides that the Scottish Ministers must prepare, lay and publish a report, as soon as reasonably practicable after the reporting period has elapsed (five years following the Act coming fully into force), and sets out what the report must cover.

6. The Act also places a duty on education authorities to consider whether this residential outdoor education will be made available if they make provision for a child to attend an independent school.

7. The Act is in five sections.

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[1] Education (Scotland) Act 1980 (legislation.gov.uk)

COMMENTARY ON SECTIONS

Section 1: Provision of residential outdoor education

8. Section 1 inserts three new sections into the 1980 Act. These are: section 6A (Provision of residential outdoor education); section 6B (Guidance on residential outdoor education); and section 6C (Report on provision of residential outdoor education).

Section 6A – Provision of residential outdoor education

9. Subsections (1) and (2) of section 6A place a duty on education authorities and managers of grant-aided schools to, so far as reasonably practicable, make one course of residential outdoor education available to each pupil. Grant-aided schools are schools which are supported financially directly by the Scottish Ministers and are independent of education authorities.

10. Subsection (3) provides that an education authority or manager of a grant-aided school may require parents to make a financial contribution for their child to attend a course of residential outdoor education.

11. Subsection (4) sets out that "one course of residential outdoor education" must have outdoor education as its main focus, include at least four overnight stays and five days (which may be non-consecutive) and be suitable to a pupil's age, ability, aptitude and any additional support needs. This subsection also provides a non-exhaustive list of facilities where this might take place.

Section 6B – Guidance on residential outdoor education

12. Subsection (1) of section 6B requires the Scottish Ministers to provide guidance to education authorities and managers of grant-aided schools about their duty to provide residential outdoor education. Subsection (2) in turn requires education authorities and managers of grant-aided schools to have regard to this guidance.

13. Subsection (3) provides that guidance must be issued within three months of section 1 coming into force. Section 4(2) provides that section 1 will come into force on such day as the Scottish Ministers, by regulations, appoint.

14. Subsection (4) lists 11 matters that must be covered in the guidance and Scottish Ministers may include other matters that they consider appropriate, that list being non-exhaustive. Subsection (6) provides for the Scottish Ministers to revise the guidance, and requires the Scottish Ministers to publish any such revised guidance. Subsection (7) provides that subsections (2) and (4) apply to revised guidance as well as the original guidance.

15. Subsection (8) requires the Scottish Ministers to consult education authorities, managers of grant-aided schools, trade unions representing employees of public and grant-aided schools, employees of public and grant-aided schools who are not represented by trade unions, pupils, parents, providers of residential outdoor education or their representatives, other voluntary organisations as the Scottish Ministers think appropriate, along with any other persons that the Scottish Ministers think appropriate, before preparing such guidance. This might include, for example, representatives of outdoor

education establishments who would be providing residential outdoor education, representatives of teachers and parents, school leaders and other relevant decision makers within education authorities and grant-aided schools.

16. Subsection (9) defines "trade union" for the purposes of subsection (8)(c).

Section 6C – Report on provision of residential outdoor education

17. Subsection (1) requires the Scottish Ministers to prepare a report on the provision of residential outdoor education under section 6A of the 1980 Act, to lay a draft of that report before the Scottish Parliament and to publish it. This must be done as soon as reasonably practicable after the end of the reporting period. Subsection (3) provides that the reporting period means the period of five years beginning with the day on which the Act comes fully into force.

18. Subsection (2) provides that there are five matters which a report must set out. It also may include any other matter which the Scottish Ministers consider appropriate.

Section 2: Education authorities' arrangements with independent schools

19. Section 2 inserts new provision into the 1980 Act so that education authorities must have regard to the provision of residential outdoor education by independent schools before placing a pupil in such a school (and covering their fees).

Section 3: Ancillary provision

20. Subsection (1) enables the Scottish Ministers to make incidental, supplementary, consequential, transitional, transitory or saving provision by regulations. Subsection (2) provides that such regulations may modify any enactment and make different provision for different purposes, including for different descriptions of pupils and schools, and different education authorities or grant-aided schools. Subsection (3) provides that such regulations are subject to the negative procedure except where they add to, replace or omit any part of the text of an Act.

Section 4: Commencement

21. Section 4 sets out when the provisions of the Bill will come into force. Subsection (1) provides that sections 3, 4 and 5 (on ancillary provision, commencement and short title) will automatically come into force on the day after the Bill receives Royal Assent. Subsection (2) provides that sections 1 and 2 of the Bill come into force on a day appointed by the Scottish Ministers by regulations. Subsection (3) enables regulations under subsection (2) to make transitional, transitory or saving provision, and to make different provision for different purposes, including for different descriptions of pupil, school, or education authority or grant-aided school. This allows for a phased commencement to take place that takes account of system readiness. Subsection (4) requires regulations under subsection (2) to be made no later than 30 September 2027.

Section 5: Short title

22. Section 5 provides that the short title of the Act is the Schools (Residential Outdoor Education) (Scotland) Act 2026.

PARLIAMENTARY HISTORY

23. The following table sets out, for each Stage of the proceedings in the Scottish Parliament on the Bill for this Act, the dates on which the proceedings at that Stage took place, and references to the Official Report of those proceedings. It also shows the dates on which Committee reports and other papers relating to the Bill were published, and gives references to those reports and other papers.

PROCEEDINGS AND REPORTS	**REFERENCE**
BEFORE INTRODUCTION	
Draft proposal – lodged 2 April 2022	Proposed Schools (Residential Outdoor Education) (Scotland) Bill
Final proposal – lodged 24 January 2023	
INTRODUCTION	
Bill (as introduced) – 20 June 2024	SP Bill 50, Session 6 2024:
	Schools (Residential Outdoor Education) (Scotland) Bill as introduced
SPICe briefing on Bill (as introduced) – published 29 October 2024	SPICe briefing SB 24-47:
	Schools (Residential Outdoor Education) (Scotland)
STAGE 1	
(a) Lead committee – Education, Children and Young People Committee	
28th Meeting, 2024, 6 November 2024	Columns 1 - 30
	Official Report
29th Meeting, 2024. 13 November 2024	Columns 2 - 65
	Official Report
31st Meeting, 2024, 27 November 2024	Columns 15 - 46
	Official Report
34th Meeting, 2024, 18 December 2024	Columns 2 - 29
	Official Report
4th Meeting, 2025, 29 January 2025	Consideration of draft Stage 1 report (private)
Stage 1 report – published 4 February 2025	1st Report, 2025 (Session 6)
	Schools (Residential Outdoor Education) (Scotland) Bill - Stage 1 Report
(b) Finance and Public Administration Committee	
32nd Meeting 2024, 19 November 2024 (Finance Committee evidence session)	Columns 1 - 28
	Official Report
Letter from Convener of the Finance and Public Administration Committee to Convener of the Education, Children and Young People Committee, 13 December 2024	Letter from the Convener to the Convener of the Education, Children and Young People Committee of 13 December 2024

PROCEEDINGS AND REPORTS	REFERENCE
(c) Delegated Powers and Law Reform Committee	
Report	63rd Report, 2024 (Session 6)
	Delegated powers in the Schools (Residential Outdoor Education) (Scotland) Bill at Stage 1
(d) Consideration by the Parliament	
Stage 1 debate – 27 March 2025	Columns 57 - 102
	Official Report
STAGE 2	
Education, Children and Young People Committee	
Evidence session with Minister for Children, Young People and The Promise – 10 September 2025	Columns 1 - 27
	Official Report
Stage 2 proceedings – 19 November 2025	Columns 2 - 46
	Official Report
Bill (as amended at Stage 2) – 19 November 2025	SP Bill 50A, Session 6 (2025)
	Bill as Amended
AFTER STAGE 2	
Delegated Powers and Law Reform Committee	
Report	94th Report, 2026 (Session 6)
	Delegated powers in the Schools (Residential Outdoor Education) (Scotland) Bill (as amended at Stage 2)
STAGE 3	
Consideration by the Parliament	
Stage 3 proceedings – 16 December 2025	Columns 68 - 91
	Official Report
Bill (as passed) – 16 December 2025	SP Bill 50B, Session 6 (2025)
	Bill as passed
ROYAL ASSENT	
11 February 2026	Schools (Residential Outdoor Education) (Scotland) Act 2026 (asp 3)

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