SCOTTISH STATUTORY INSTRUMENTS

2026 No. 261 (C. 26)

EDUCATION

The Tertiary Education and Training (Funding and Governance) (Scotland) Act 2026 (Commencement No. 1) Regulations 2026

Made - - - -	*15th September 2026*
Laid before the Scottish Parliament	*17th September 2026*
Coming into force - -	*1st October 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 39(2) and (3)(b) of the Tertiary Education and Training (Funding and Governance) (Scotland) Act 2026(**a**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Tertiary Education and Training (Funding and Governance) (Scotland) Act 2026 (Commencement No. 1) Regulations 2026 and come into force on 1 October 2026.

(2) In these Regulations—

"the 2005 Act" means the Further and Higher Education (Scotland) Act 2005(**b**),

"the Act" means the Tertiary Education and Training (Funding and Governance) (Scotland) Act 2026.

Appointed day

2.—(1) 1 October 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).

(2) 1 January 2027 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**) 2026 asp 5.
(**b**) 2005 asp 6.

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

ALYN SMITH
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
15th September 2026

SCHEDULE

Regulation 2

Appointed days

PART 1

Provisions of the Act coming into force on 1 October 2026

Column 1 *Provision of the Act*	*Column 2* *Subject matter*	*Column 3* *Purpose*
Section 2	General duty of the Council to secure high-quality learning	
Section 3	General duty of the Scottish Ministers to support delivery	
Section 10	Funding for national training programmes	
Section 11	Scottish apprenticeships	For the purpose of inserting sections 12E and 12F into the 2005 Act
Section 12	Funding for Scottish apprenticeships and work-based learning	For all purposes with the exception of inserting section 12J(5) into the 2005 Act
Section 14	Information sharing	
Section 16	Notifications to the Council by post-16 education bodies	
Section 17	Recommendations to fundable bodies	
Section 18	Financial sustainability of post-16 education bodies	
Section 20	Reporting by the Council	For all purposes with the exception of inserting section 19B(1)(b) into the 2005 Act
Section 21	Duty to have regard to particular matters in exercise of functions	
Section 22	Consideration of skills needs and socio-economic issues	
Section 23	Consultation and collaboration with employers of apprentices and training providers	
Section 26	Appointment of members of the Council	

Column 1	*Column 2*	*Column 3*
Provision of the Act	*Subject matter*	*Purpose*
Section 28	Membership of the Council: number of members	
Section 30	Co-opted members of the Council	
Section 31	Apprenticeship committee	

PART 2

Provisions of the Act coming into force on 1 January 2027

Column 1	*Column 2*
Provision of the Act	*Subject matter*
Section 27	Membership of the Council: interests of employers
Section 29	Skills and experience of members of the Council

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring provisions of the Tertiary Education and Training (Funding and Governance) (Scotland) Act 2026 ("the Act") into force. The Bill for the Act received Royal Assent on 11 March 2026 and, by virtue of section 39 of the Act, Part 6 (sections 36, 37, 38, 39 and 40) came into force on 12 March 2026.

Regulation 2(1) and the schedule bring the provisions of the Act specified in column 1 of the table in Part 1 of the schedule into force on 1 October 2026. Where relevant, these provisions are brought into force for the purposes stated in column 3 of the table.

Regulation 2(2) and the schedule bring the provisions of the Act specified in column 1 of the table in Part 2 of the schedule into force on 1 January 2027.

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