
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 192 (C. 15)

EDUCATION

**The Education (Scotland) Act 2016
(Commencement No. 1) Regulations 2016**

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|--|---------|-----------------------|
| <i>Made</i> | - - - - | <i>7th June 2016</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>9th June 2016</i> |
| <i>Coming into force</i> | - - | <i>15th July 2016</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 33(2) and (3) of the Education (Scotland) Act 2016⁽¹⁾.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Scotland) Act 2016 (Commencement No. 1) Regulations 2016 and come into force on 15th July 2016.

(2) In these Regulations—

“the 2000 Act” means the Standards in Scotland’s Schools etc. Act 2000⁽²⁾; and

“the 2016 Act” means the Education (Scotland) Act 2016.

Appointed days

2.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the 2016 Act specified in column 1 of the schedule (the subject matter of which is described in column 2 of the schedule), is specified in column 3 of the schedule.

(2) Where a purpose is specified in column 4 of the schedule, a provision specified in column 1 comes into force in accordance with paragraph (1) only for that purpose.

St Andrew’s House, Edinburgh
7th June 2016

JOHN SWINNEY
A member of the Scottish Government

(1) 2016 asp 8.
(2) 2000 asp 6.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 2

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> | <i>Column 4</i> |
|-----------------------------------|---|----------------------|--|
| <i>Provisions of the 2016 Act</i> | <i>Subject matter</i> | <i>Appointed day</i> | <i>Purpose</i> |
| Section 1 | Pupils experiencing inequalities of outcome | 1st August 2016 | For the purpose of inserting section 3A of the 2000 Act. |
| Section 2(1) and (2) | National Improvement Framework | 1st August 2016 | For the purpose of inserting section 3C of the 2000 Act ⁽³⁾ . |
| Section 2(3) | National Improvement Framework | 1st August 2016 | For the purpose of repealing section 4 of the 2000 Act only. |
| Section 2(4)(a) | National Improvement Framework | 1st August 2016 | For the purpose of repealing the definition of “national priorities in education” from section 58(1) of the 2000 Act only. |
| Section 2(4)(b) | National Improvement Framework | 1st August 2016 | |
| Section 3(1) and (2) | Plans and reports | 1st August 2016 | So far as is necessary to enable the Scottish Ministers to make regulations under section 3E(2) of the 2000 Act. |
| Section 3(1) and (2) | Plans and reports | 1st December 2016 | For the purpose of inserting section 3E of the 2000 Act (in so far as section 3E is not already inserted) ⁽⁴⁾ . |
| Section 3(1) and (2) | Plans and reports | 1st August 2016 | So far as is necessary to enable the Scottish Ministers to make regulations under section 3F(4) of the 2000 Act. |
| Section 3(1) and (2) | Plans and reports | 1st December 2016 | For the purpose of inserting section 3G of the 2000 Act. |
| Section 4 | Guidance | 1st August 2016 | |

⁽³⁾ New section 3B of the 2000 Act will be inserted by subsequent commencement regulations under the 2016 Act.

⁽⁴⁾ New section 3D of the 2000 Act will be inserted by subsequent commencement regulations under the 2016 Act.

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> | <i>Column 4</i> |
|-----------------------------------|--|----------------------|---|
| <i>Provisions of the 2016 Act</i> | <i>Subject matter</i> | <i>Appointed day</i> | <i>Purpose</i> |
| Section 7 | Assessment requests | 1st August 2016 | So far as is necessary to enable the Scottish Ministers to make regulations under section 7(5) of the 2016 Act. |
| Section 16 | Guidance | 15th July 2016 | |
| Section 17 | Meaning of “Gaelic education” and “Gaelic medium education” | 15th July 2016 | |
| Section 21(1) and (2) | Learning hours | 1st August 2016 | For the purpose of inserting section 2ZA(11) of the Education (Scotland) Act 1980(5). |
| Section 29 | Provision of early learning and childcare: children with guardians | 1st August 2016 | |
| Section 30 | Meaning of “the 1980 Act” | 1st August 2016 | |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force the following provisions of the Education (Scotland) Act 2016 (asp 8) (“the 2016 Act”) for all purposes, unless otherwise stated.

Section 16 of the 2016 Act, which amends the provision about guidance on Gaelic education in section 9 of the Gaelic Language (Scotland) Act 2005 (asp 7) (“the 2005 Act”), is commenced on 15th July 2016. Section 17 of the 2016 Act, which amends the definition of ‘Gaelic education’ in section 10 of the 2005 Act and which also amends the definition of “Gaelic medium education” in paragraph 12 of schedule 1 of the Schools (Consultation) (Scotland) Act 2010 (asp 2), is also commenced on 15th July 2016.

These Regulations also bring into force the following provisions of the 2016 Act, on 1st August 2016:

(5) 1980 c.44.

section 1 (Pupils experiencing inequalities of outcome) for the purpose of inserting section 3A of the Standards in Scotland's Schools etc. Act 2000 ([asp 6](#)) ("the 2000 Act") which imposes a duty on the Scottish Ministers relative to pupils experiencing inequalities of outcome;

section 2(1) and (2) (National Improvement Framework) for the purpose of inserting section 3C of the 2000 Act (section 3C requires the Scottish Ministers to prepare and publish a statement setting out strategic priorities and objectives in relation to school education, "the National Improvement Framework"). Section 3B of the 2000 Act will be inserted by subsequent commencement regulations under the 2016 Act;

section 2(3) (National Improvement Framework) for the purpose of the repeal of section 4 of the 2000 Act (section 4 requires the Scottish Ministers to define by order made by statutory instrument, priorities in educational objectives for school education provided for Scotland);

section 2(4)(a), for the purpose of repealing the definition of "national priorities in education" from section 58(1) of the 2000 Act only;

section 2(4)(b) (which inserts a definition of the "National Improvement Framework" into the 2000 Act);

section 3(1) and (2) (Plans and reports) so far as is necessary to enable the Scottish Ministers to make regulations under section 3E(2) of the 2000 Act (regulations prescribing the planning period for the annual plan to be prepared by the Scottish Ministers under section 3E);

section 3(1) and (2) (Plans and reports) so far as is necessary to enable the Scottish Ministers to make regulations under section 3F(4) of the 2000 Act (regulations prescribing the planning period for the annual plan to be prepared by education authorities under section 3F(1));

section 4 (Guidance) amendments to the guidance for education authorities provision in the 2000 Act;

section 7 (Assessment requests) so far as is necessary to enable the Scottish Ministers to make regulations under section 7(5). Section 7(5) enables the Scottish Ministers to make provision about assessment requests under section 7(1) of the 2016 Act;

section 21(1) and (2) (Learning hours) for the purpose of inserting section 2ZA(11) of the Education (Scotland) Act 1980 ("the 1980 Act") which enables the Scottish Ministers to consult such persons as they consider appropriate before making any regulations under section 2ZA(1), (4)(c), or (10) of the 1980 Act;

section 29 (Provision of early learning and childcare: children with guardians) amendments to the provisions in the Children and Young People (Scotland) Act 2014 ([asp 8](#)); and

section 30 (Meaning of "the 1980 Act").

Finally, these Regulations bring into force section 3(1) and (2) (Plans and reports) of the 2016 Act, for the purpose of inserting the remainder of section 3E of the 2000 Act (annual plan: Scottish Ministers) and for the purpose of inserting section 3G of the 2000 Act on 1st December 2016. Section 3D of the 2000 Act will be inserted by subsequent commencement regulations under the 2016 Act.

Section 3E of the 2000 Act requires the Scottish Ministers to prepare and publish an annual plan setting out the steps that they propose to take during a 12 month planning period (a period to be prescribed by the Scottish Ministers by regulations under section 3E(2)) with a view to reducing inequalities of outcome for pupils who experience those inequalities as a result of socio-economic disadvantage and the educational benefits for those pupils that they consider will result from taking those steps. Section 3G of the 2000 Act requires the Scottish Ministers to prepare and publish an annual report setting out for the 12 month planning period, the steps they have taken with a view to reducing inequalities of outcome for such pupils, any steps they have taken in pursuance of the National Improvement Framework, and any educational benefits for pupils that they consider result from taking those steps.

The Bill for the 2016 Act received Royal Assent on 8th March 2016. Section 33(1) of the 2016 Act brought into force sections 31, 32, 33 and 34 of the 2016 Act on the day after Royal Assent.