

POLICY NOTE

THE EDUCATION (SCOTLAND) ACT 2016 (COMMENCEMENT NO. 3) AMENDMENT REGULATIONS 2017

SSI 2017/352 (C. 27)

The above instrument was made in exercise of the powers conferred by section 33(2) and (3) of the Education (Scotland) Act 2016. The instrument is laid- no procedure.

Policy Objectives

These regulations amend the commencement date for section 24 of The Education (Scotland) Act 2016 (Enforcement of statutory duties) from 17 November 2017 to 10 January 2018, to align with the commencement of related regulations: The Section 70 (Procedure) (Scotland) Regulations 2017. Those regulations are part of a package of regulations implementing, or making further provision associated with, the changes to the legal framework for Additional Support for Learning made by the Education (Scotland) Act 2016. This package of instruments is due to come into force on 10 January 2018.

Section 24 of The Education (Scotland) Act 2016 amended section 70 of the Education (Scotland) Act 1980 (the “1980 Act”) to give the Scottish Ministers a regulation making power, among other things.

Section 24 of the 2016 Act was commenced on 1 January 2017 so far as necessary to enable the Scottish Ministers to make regulations under section 70(5) and (6) of the Education (Scotland) Act 1980 and for the purposes of consulting under section 70(7) of that Act. These regulations will commence section 24 so far as not already in force on 10 January 2018.

Consultation

As this Order simply amends the commencement date for section 24 of the Education (Scotland) Act 2016 (Enforcement of statutory duties) it was considered that public consultation was not required. The substantive regulations under section 24, the Section 70 (Procedure) (Scotland) Regulations 2017, have been consulted on for 12 weeks (19 June – 12 September 2017). Public consultations were further carried out on children’s rights under the 2004 Act and on section 70, prior to introduction of the bill for the 2016 Act.

Impact Assessments

Given this Order simply amends the commencement date for section 24 of The Education (Scotland) Act 2016 (Enforcement of statutory duties), it was considered that carrying out impact assessments was not necessary.

Financial Effects

Other than preparing and publishing these regulations, there will be no additional financial implications/costs as a result of these regulations.

Scottish Government
Directorate for Learning