



# Education (Scotland) Act 1996

## CHAPTER 43

### EDUCATION (SCOTLAND) ACT 1996

#### PART I

#### THE SCOTTISH QUALIFICATIONS AUTHORITY

##### *Establishment*

- 1 The Scottish Qualifications Authority.

##### *Functions*

- 2 General functions of SQA.
- 3 Accreditation function.
- 4 Quality assurance.
- 5 Advisory function.
- 6 Incidental functions.
- 7 Regard to certain considerations.
- 8 Services to others, collaboration, agency etc.
- 9 Secretary of State's directions to SQA.

##### *Information*

- 10 Provision of information by SQA.
- 11 Annual report.

##### *Financial provisions*

- 12 Financial duties of SQA.
- 13 Payment of grants etc. to SQA.
- 14 Secretary of State's power to make loans.
- 15 Secretary of State's guarantees of SQA's borrowing.

*Changes to legislation:* Education (Scotland) Act 1996 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- 16 Accounts, records and audit.

*Property*

- 17 Transfer of property etc. to SQA.

*Staff*

- 18 Transfer of staff to SQA.

*Dissolution of the Scottish Examination Board and of the Scottish Vocational Education Council: the Winding Down Period*

- 19 Dissolution of the Scottish Examination Board and of the Scottish Vocational Education Council.

*Transitional*

- 20 Transitional provisions as regards SQA.

*Interpretation of Part I*

- 21 Interpretation of Part I.

*Service of documents*

- 22 Service of documents.

**PART II**

EDUCATION FOR CHILDREN UNDER SCHOOL AGE

- 23 Grants for education of children under school age.  
24 Grants: requirements.  
25 Delegation of functions.  
26 Disclosure of information.  
27 Interpretation of Part II.

**PART III**

SCHOOL BOARDS

- 28 School Boards: elections.  
29 School Boards: terms of office.  
30 School Boards: conflict of interest.  
31 School Boards: miscellaneous.

**PART IV**

MISCELLANEOUS

- 32 Assessment of secondary school pupils.  
33 Placing requests.  
34 Stamp duty.  
35 Regulations and orders.  
36 Transitional provisions, miscellaneous amendments and repeals.  
37 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 — The Scottish Qualifications Authority

#### *Status*

- 1 SQA shall not— (a) be regarded as a servant or...

#### *Qualifications and tenure of office*

- 2 Subject to the provisions of this Schedule each member of...  
3 .....  
4 (1) A person is not eligible for appointment as a...  
5 If at any time the appointing authority is satisfied that...  
6 If at any time the appointing authority is satisfied that...  
7 The appointing authority shall give notice in writing to any...

#### *Chairman*

- 8 (1) The chairman shall hold and vacate office in terms...

#### *Remuneration, pensions, etc.*

- 9 (1) SQA shall— (a) pay to its members such remuneration...

#### *Proceedings*

- 10 (1) The quorum for a meeting of SQA shall be...

#### *Conflict of interest*

- 11 (1) Subject to sub-paragraph (5) below, where, whether before or...

#### *Confidentiality of information*

- 12 Any information which is received or obtained by any person...

#### *Committees*

- 13 (1) Subject to section 3(3) of this Act, SQA may...

#### *Delegation of powers*

- 14 (1) Anything authorised or required by or under any enactment...

#### *Staff*

- 15 The Secretary of State shall, after consultation with the chairman...  
16 SQA may appoint such other employees as it thinks fit...  
17 SQA shall, in the case of such of its employees...

#### *Disposal of property*

- 18 (1) SQA shall not dispose of any property acquired, improved...

#### *Interpretation*

- 19 (1) In this Schedule— “the appointing authority”, in relation to...

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## SCHEDULE 2 — Further Provisions and Savings relating to the Winding Down Period

### *Vesting of existing bodies' foreign property in the Scottish Qualifications Authority*

- 1 (1) It shall be the duty of each existing body...

#### *Final reports and accounts of existing bodies etc.*

- 2 (1) Notwithstanding the repeal by this Act of section 129...

## SCHEDULE 3 — Transitional Provisions for SQA

### *Continuity of exercise of functions*

- 1 (1) Any relevant thing done by or in relation to...

#### *Payment of grants by Secretary of State*

- 2 (1) The Secretary of State may make grants to SQA...

#### *Information*

- 3 The existing bodies shall provide SQA with all information which...

#### *Application of Part I*

- 4 Sections 9, 10 and 12 of this Act shall have...

## SCHEDULE 4 — Amendment of the School Boards (Scotland) Act 1988

- 1 The School Boards (Scotland) Act 1988 shall be amended as...
- 2 In section 2 (composition of Boards)— (a) in subsection (1)...
- 3 In section 5 (advice to Boards)— (a) in subsection (2)...
- 4 In section 6 (proceedings)— (a) in subsection (3) for the...
- 5 In section 13, in subsection (1)(b) before the word “election”...
- 6 After section 17 (financing of Boards) there shall be inserted...
- 7 In section 20 (non-establishment and disestablishment of Boards)—
- 8 In section 22 (interpretation), in subsection (2) at the appropriate...
- 9 In Schedule 2 (appointment of headteachers, deputies and assistants)—

## SCHEDULE 5 — Miscellaneous and Consequential Amendments

### *The House of Commons Disqualification Act 1975 (c.24)*

- 1 In Part II of Schedule 1 to the House of...

### *The Education (Scotland) Act 1980 (c. 44.)*

- 2 After section 51(2B) of the Education (Scotland) Act 1980 (provision...
- 3 After section 66(1) of that Act (inspection of educational establishments)...

### *The Self-Governing Schools etc. (Scotland) Act 1989 (c.39.)*

- 4 After section 13(3) of the Self-Governing Schools etc. (Scotland) Act...
- 5 In section 30(1) of that Act (change in characteristics of...

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*The Education (Student Loans) Act 1990 (c.6)*

- 6 In Schedule 1 to the Education (Student Loans) Act 1990...

*The Finance Act 1991 (c.31)*

- 7 In section 32(10)(a)(ii) of the Finance Act 1991 (definition of...

*The Further and Higher Education (Scotland) Act 1992 (c.37)*

- 8 In subsection (1)(b)(i) of section 6 of the Further and...  
9 In section 38 of that Act (meaning of higher education)—...

SCHEDULE 6 — Repeals

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**Changes and effects yet to be applied to :**

- Sch. 1 para. 9(2)(3) repealed by [2002 asp 14 s. 1\(7\)\(b\)](#)