



# Education (Scotland) Act 1996

## 1996 CHAPTER 43

### PART I

#### THE SCOTTISH QUALIFICATIONS AUTHORITY

##### *Functions*

## **2 General functions of SQA**

- (1) SQA shall have the following general functions—
  - (a) to devise qualifications;
  - (b) to determine the entitlement of individuals to SQA qualifications and, where a person is so entitled, to award and record such a qualification;
  - (c) to keep under review and develop SQA qualifications;
  - (d) to approve education and training establishments as being suitable for presenting persons for SQA qualifications; and
  - (e) to make arrangements for, assist in or carry out the assessment of persons undertaking education and training.
- (2) The functions mentioned in paragraphs (a) and (c) of subsection (1) above include a power for SQA, in relation to a SQA qualification, to—
  - (a) determine what it is that a person is required to do and the level of competence he is required to demonstrate in order to attain the qualification;
  - (b) determine the means of assessing whether he has done what is required or demonstrated the level of competence required.
- (3) Paragraph (a) of subsection (2) above includes a power to devise a programme of learning.
- (4) SQA shall not exercise any of its functions under this section or section 3 of this Act in relation to a degree.

### **3 Accreditation function**

- (1) SQA shall have the function of accrediting qualifications as meeting such requirements as are specified by SQA.
- (2) SQA shall publish the requirements specified by it in pursuance of subsection (1) above.
- (3) The function of accrediting qualifications conferred on SQA under subsection (1) above shall be carried out by a committee, to be known as the “Accreditation Committee”, established for that purpose by SQA.
- (4) The majority of members of the Accreditation Committee shall be individuals who are neither members nor employees of SQA.
- (5) At any meeting of the Accreditation Committee, a quorum shall be established only if the majority of members present at the meeting are neither members nor employees of SQA.

### **4 Quality assurance**

SQA may, in respect of education and training establishments which offer persons the opportunity to obtain SQA qualifications, make such arrangements as it considers appropriate to satisfy itself as to—

- (a) the quality of the procedures used by such establishments for assessing the standards of attainment of such persons (and, in particular, such persons with special educational needs) in relation to SQA qualifications;
- (b) the quality of the internal arrangements adopted by such establishments for monitoring and controlling the effectiveness of such procedures; and
- (c) the suitability of such establishments for presenting persons for SQA qualifications.

### **5 Advisory function**

- (1) SQA shall provide the Secretary of State with such advice in respect of any matter to which its functions relate as he may, from time to time, require.
- (2) SQA may provide the Secretary of State with such advice in respect of any matter to which its functions relate as it thinks fit.

### **6 Incidental functions**

- (1) SQA shall have power to do anything whether in Scotland or elsewhere which, in its opinion, is calculated to facilitate or is conducive or incidental to the carrying out of its functions.
- (2) The powers of SQA shall include power, for the purposes of or in connection with the carrying out of its functions—
  - (a) to fix and recover charges for services provided by it in accordance with criteria determined from time to time by the Secretary of State;
  - (b) subject to subsections (3) and (4) below, to enter into contracts including contracts for the employment of staff;
  - (c) to acquire, hold and, subject to paragraph 18 of Schedule 1 to this Act, to dispose of land and other property;

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*Status: This is the original version (as it was originally enacted).*

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- (d) subject to subsections (5) and (6) below, to borrow such sums as it thinks fit including such sums for the purpose of meeting any liability or obligation transferred to it under or in pursuance of any provision of this Part of this Act and in connection with such borrowing to grant such security or give such guarantee or indemnity as it thinks fit;
  - (e) subject to subsection (8) below, to raise funds, accept gifts of money, land or other property and apply them or administer them in trust;
  - (f) subject to subsection (8) below, to invest any sums not immediately required by it for the purpose of carrying out its functions or for the purpose of meeting any liability or obligation transferred to it in pursuance of this Part of this Act;
  - (g) to carry out, commission or assist in the carrying out of research;
  - (h) to promote or assist in the promotion of publicity;
  - (j) to publish or assist in the publication of material;
  - (k) to confer fellowships and other awards on persons whom it considers to have made an outstanding contribution to the advancement of education or training;
  - (l) subject to subsection (7) below, to form or promote, or to join with any other person in forming or promoting, companies (within the meaning of the Companies Act 1985).
- (3) The consent of the Secretary of State is required before SQA enters into any contract under paragraph (b) of subsection (2) above which is of such a value, or commits it to expenditure of such amount, as the Secretary of State may from time to time determine.
- (4) Consent under subsection (3) above may be given in respect of a particular contract or in respect of a class or description of contracts and may be given subject to such conditions as the Secretary of State may determine.
- (5) The consent of the Secretary of State and the Treasury is required in respect of any borrowing made and any related security, guarantee or indemnity granted or given under paragraph (d) of subsection (2) above.
- (6) Consent under subsection (5) above may be given in respect of a particular transaction or in respect of a class or description of transactions and may be given subject to such conditions as the Secretary of State may, with the consent of Treasury, determine.
- (7) The consent of the Secretary of State is required before SQA forms a company under paragraph (1) of subsection (2) above.
- (8) SQA shall use its funds, land or other property only in connection with the exercise of its functions and shall not distribute any of its funds, land or other property to its members.

## **7 Regard to certain considerations**

In the exercise of its functions in pursuance of this or any other enactment SQA shall—

- (a) endeavour to promote and advance education and training; and
- (b) have regard to the interests of persons using its services.

## **8 Services to others, collaboration, agency etc**

- (1) SQA may provide services (including advice or assistance), whether in or outwith Scotland, for any person in respect of any matter to which its functions relate.

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- (2) SQA may collaborate with other persons, whether in or outwith Scotland, in respect of any matter to which its functions relate.
- (3) SQA may, whether in or outwith Scotland, carry out any of its functions or do anything incidental or related to the carrying out of its functions as agent for another person.
- (4) SQA may with the consent of the Secretary of State arrange for the discharge of any of its functions by another person on such terms as may be agreed between SQA and that person.
- (5) Any arrangement made under subsection (4) above shall not prevent SQA from exercising the delegated function.

## **9 Secretary of State's directions to SQA**

- (1) The Secretary of State may, after consultation with SQA, give SQA directions of a general or specific character with regard to the discharge of its functions and it shall be the duty of SQA to comply with such directions.
- (2) The Secretary of State may give to the Accreditation Committee directions of a general or specific nature and it shall be the duty of the Accreditation Committee to comply with such directions.
- (3) A direction given under subsection (1) or (2) above may be varied or revoked by a subsequent direction so given.