

**2017 No. 354 (C. 28)**

**EDUCATION**

**The Education (Scotland) Act 2016 (Commencement No. 4)  
Regulations 2017**

<i>Made</i>	- - - -	<i>24th October 2017</i>
<i>Laid before the Scottish Parliament</i>		<i>26th October 2017</i>
<i>Coming into force</i>	- -	<i>10th January 2018</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 33(2) of the Education (Scotland) Act 2016<sup>(a)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Education (Scotland) Act 2016 (Commencement No. 4) Regulations 2017 and come into force on 10th January 2018.

**Appointed day**

2. 10th January 2018 is the day appointed for the coming into force of the following provisions of the Education (Scotland) Act 2016—

- (a) section 19 (additional support for learning) and the schedule in so far as not already in force;
- (b) section 28(3) (head teachers: education and training standards).

*JOHN SWINNEY*  
A member of the Scottish Government

St Andrew's House,  
Edinburgh  
24th October 2017

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<sup>(a)</sup> 2016 asp 8.



## 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”), on 10th January 2018 for all purposes, unless otherwise stated.

Section 19 (additional support for learning), introduces the schedule of the 2016 Act which contains modifications of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) (“the 2004 Act”). Section 19 is commenced on 10th January 2018, for the purpose of commencing the remainder of the schedule in so far as not already in force. This includes commencement of paragraphs 1 to 14, 16 to 19, 21 to 25 of the schedule of the 2016 Act and paragraph 20 of the schedule, in so far as not already in force.

These paragraphs all make various amendments to the 2004 Act with a view to enabling children who have attained the age of 12 years to exercise certain rights, do certain things, or have certain things done in relation to them, where they have capacity and it would not adversely affect their wellbeing, under that Act.

Section 28(3) (head teachers: education and training standards) amends section 133 of the Education (Scotland) Act 1980 (c.44) (regulations, etc.) to insert new subsection 2BA to provide that regulations under section 2 (standards, etc., for education authorities) or 74(1) (payment of grants to be subject to conditions), that make provision such as is mentioned in section 90A (head teachers: education and training standards), or section 98DA(1) (head teachers of independent schools: education and training standards), are subject to affirmative procedure.

Such regulations allow the Scottish Ministers to prescribe or make provision for or in connection with, the standards of education and training to be achieved by persons who are to be appointed as head teachers of education authority managed, grant-aided and independent schools.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

*(This note is not part of the Regulations)*

The Bill for the 2016 Act received Royal Assent on 8th March 2016. Section 33(1) brought Part 4 of the 2016 Act into force on the day after Royal Assent (apart from section 30). The provisions of the 2016 Act commenced by earlier commencement regulations are detailed in the table below.

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument</i>
Section 1 (partially)	1st August 2016	2016/192
Section 1 (in so far as not already in force)	1st August 2017	2017/164
Section 2(1) and (2) (partially)	1st August 2016	2016/192
Section 2(1) and (2) (in so far as not already in force)	1st August 2017	2017/164
Section 2(3) (partially)	1st August 2016	2016/192
Section 2(3) (in so far as not already in force)	1st August 2017	2017/164
Section 2(4)(a) (partially)	1st August 2016	2016/192
Section 2(4)(a) (in so far as not already in force)	1st August 2017	2017/164
Section 2(4)(b)	1st August 2016	2016/192
Section 3(1) and (2) (partially)	1st August 2016	2016/192
Section 3(1) and (2) (partially)	1st December 2016	2016/192
Section 3(1) and (2) (in so far as not already in force)	1st August 2017	2017/164
Section 3(3) to (7)	1st August 2017	2017/164



Section 4	1st August 2016	2016/192
Section 5	1st August 2017	2017/164
Section 6	1st August 2017	2017/164
Section 7 (partially)	1st August 2016	2016/192
Section 7 (in so far as not already in force)	1st February 2017	2016/386
Section 8	1st February 2017	2016/386
Section 9	1st February 2017	2016/386
Section 10	1st February 2017	2016/386
Section 11	1st February 2017	2016/386
Section 12	1st February 2017	2016/386
Section 13	1st February 2017	2016/386
Section 14	1st February 2017	2016/386
Section 15	1st February 2017	2016/386
Section 16	15th July 2016	2016/192
Section 17	15th July 2016	2016/192
Section 18	1st February 2017	2016/386
Section 19 (partially)	1st January 2017	2016/386
Section 19 (partially)	1st August 2017	2017/164
Section 20	1st January 2017	2016/386
Section 21(1) and (2) (partially)	1st August 2016	2016/192
Section 24 (partially)	1st January 2017	2016/386
Section 24 (in so far as not already in force)	10th January 2018	2017/164 as amended by 2017/352
Section 26	1st January 2017	2016/386
Section 27	1st January 2017	2016/386
Section 28(1)	1st January 2017	2016/386
Section 29	1st August 2016	2016/192
Section 30	1st August 2016	2016/192
Schedule, paragraph 15	1st August 2017	2017/164
Schedule, paragraph 20 (partially)	1st January 2017	2016/386

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