

Climate Action Committee
Thursday 29 October 2026
7th Meeting, 2026 (Session 7)

Note by the Clerk on Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Amendment Order 2026 (SSI 2026/266)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [Climate Change \(Duties of Public Bodies: Reporting Requirements\) \(Scotland\) Amendment Order 2026 \(SSI 2026/266\)](#)

Laid under: Section 46(1) of the [Climate Change \(Scotland\) Act 2009](#)

Laid on: 24 September 2026

Procedure: Negative

Deadline for committee consideration: 16 November 2026 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 18 November 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 19 November 2026

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 6 October 2026 and [reported on it in its 10th Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. The instrument updates the list of public bodies in the [Climate Change \(Duties of Public Bodies: Reporting Requirements\) \(Scotland\) Order 2015](#) (“the 2015 Order”) that are required to prepare reports on compliance with climate change duties under, or by virtue of, the Climate Change (Scotland) Act 2009 (“the 2009 Act”). It replaces the Scottish Qualifications Authority (SQA) with Qualifications Scotland. The purpose is to ensure Qualifications Scotland is subject to the same duties as the SQA was previously.
9. The Policy Note accompanying the instrument is included in the annexe. The following impact assessment has also been carried out:
 - [Children’s Rights and Wellbeing Impact Assessment \(CRWIA\)](#)

Committee consideration

10. So far, no motion recommending annulment has been lodged.
11. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Cabinet Secretary or Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

12. If Members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
13. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

CA/S7/26/7/3

**Clerks to the Committee
October 2026**

Annexe A: Scottish Government Policy Note

The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Amendment Order 2026 (SSI 2026/266)

The above instrument was made in exercise of the powers conferred by section 46(1) of the Climate Change (Scotland) Act 2009.

The instrument is subject to the negative procedure.

Summary Box

To update the list of public bodies in the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 (“the 2015 Order”) that are required to prepare reports on compliance with climate change duties under, or by virtue of, the Climate Change (Scotland) Act 2009 (“the 2009 Act”). It replaces the Scottish Qualifications Authority (SQA) with Qualifications Scotland. The purpose is to ensure Qualifications Scotland is subject to the same duties as the SQA was previously.

Policy Objectives

Section 44(1) of the 2009 Act places public bodies under a duty to contribute to the delivery of Scotland’s national emissions reduction targets and the national adaptation programme, and to act in a way the body considers to be most sustainable. The 2015 Order requires the public bodies listed in schedule 1 of that Order to report annually on compliance with these duties, using the form specified in schedule 2 of the Order.

The 2015 Order listed the SQA in schedule 1. Under the Education (Scotland) Act 2025, the SQA has been dissolved and replaced as Scotland’s national qualifications body by Qualifications Scotland, established under section 1(1). This instrument therefore adds Qualifications Scotland to schedule 1 of the 2015 Order so that it is subject to the reporting duties under the Order. It also removes the reference to the SQA.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children’s rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Amendment Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

Consultation

While there was no specific stakeholder consultation on this instrument, A full [appraisal of the consultation in relation to the Education \(Scotland\) Act](#) that was undertaken and stakeholder views can be found in the published [Policy Memorandum for the Education \(Scotland\) Bill](#).

The consultation sought views on the creation of Qualifications Scotland to replace the SQA. The response to consultation showed support for the creation of this replacement body.

The creation of Qualifications Scotland was agreed to by Scottish Parliament when the 2025 Act was passed. This SSI supports the outcomes of that public consultation by updating legislation in consequence of the Education (Scotland) Act 2025. Given the limited scope of the order, it was considered that specific consultation on this instrument was not required.

Impact Assessments

In line with the requirements of the UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, a Children's Rights and Wellbeing Impact Assessment (CRWIA) has been completed. This instrument has no negative impacts on children's rights and wellbeing. A full CRWIA was completed for the Education (Scotland) Bill.

No other impact assessments were conducted for this instrument however the impact assessments, or screenings, that were completed for the Education (Scotland) Bill are available here:

- [Education \(Scotland\) Bill: child rights and wellbeing impact assessment](#)
- [Education \(Scotland\) Bill: data protection impact assessment](#)
- [Education \(Scotland\) Bill: equality impact assessment](#)
- [Education \(Scotland\) Bill: fairer Scotland duty summary](#)
- [Education \(Scotland\) Bill: island communities impact assessment](#)

Financial Effects

The Cabinet Secretary for Education, Culture and Gaelic confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business. A [full BRIA](#) was completed for the Education (Scotland) Bill is available here.

Scottish Government Education Directorate

22 September 2026