

**2010 No. 315**

**DISABLED PERSONS**

**The Equality Act 2010 (Qualifications Body Regulator and Relevant Qualifications) (Scotland) Regulations 2010**

*Made* - - - - *6th September 2010*

*Laid before the Scottish Parliament* *8th September 2010*

*Coming into force* - - *1st October 2010*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 96(10)(c) and 97(3)(c) of the Equality Act 2010(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Equality Act 2010 (Qualifications Body Regulator and Relevant Qualifications) (Scotland) Regulations 2010 and come into force on 1st October 2010.

**Appropriate Regulator**

2. The Scottish Qualifications Authority(b) is prescribed for the purposes of section 96(10)(c) as appropriate regulator in relation to a qualifications body that confers qualifications in Scotland.

**Relevant Qualification**

3. Those qualifications known as “National Qualifications in Scotland” are prescribed for the purposes of section 97(3)(c) as relevant qualifications in relation to conferments in Scotland.

*MICHAEL W RUSSELL*  
A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
6th September 2010

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(a) 2010 c.15.

(b) The Scottish Qualifications Authority was established by article 2 of the Scottish Qualifications Authority (Establishment) (Scotland) Order 1996 (S.I. 1996/2248).

## EXPLANATORY NOTE

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

Section 96(6) of the Equality Act 2010 (“the Act”) places a duty on qualifications bodies to make reasonable adjustments for disabled people. That duty does not apply in so far as the appropriate regulator specifies provisions, criteria or practices in relation to which the body is not subject, or is subject, but in relation to which such adjustments as the regulator specifies should not be made.

Section 96(10)(c) of the Act provides that the appropriate regulator is, in relation to a qualifications body that confers qualifications in Scotland, a person prescribed by the Scottish Ministers. Regulation 2 provides that the Scottish Qualifications Authority is the appropriate regulator.

Section 97(2) of the Act provides that a qualifications body is an authority or body which can confer a relevant qualification. Section 97(3)(c) of the Act provides that a relevant qualification is an authorisation, qualification, approval or certification of such description as may be prescribed in relation to conferments in Scotland, by the Scottish Ministers. Regulation 3 provides that “National Qualifications in Scotland” are relevant qualifications.

The term “National Qualifications in Scotland” includes Standard Grades and National Courses (Access, Intermediate, Higher, Advanced Higher plus the new National qualifications to be introduced under Curriculum for Excellence from 2013/14). It does not encompass national qualifications which are vocational in nature such as National Qualification Group Awards (National Certificates and National Progression Awards).

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