
Model Scottish Statutory Instruments

2021 No. 06

Education

School Uniform (Guidance) Regulations 2021

Made

13th November 2021

Laid before the Scottish Parliament

16th November 2021

Coming into force

1st July 2022

The Scottish Ministers make these Regulations of this Instrument in exercise of the powers conferred by the Education (Scotland) Act 2020 and all other powers enabling them to do so.

Preliminary

Citation and commencement

- (1) These Regulations may be cited as the School Uniform (Guidance) Regulations 2021
- (2) These Regulations shall come into force on July 1st 2022

Definitions

- (3) In these regulations, ‘School’ is defined as any education institution in Scotland, publicly funded or otherwise
- (4) In these regulations, ‘School Uniform’ is considered to be the clothes as required by the school to attend classes and other extracurricular activities within the boundaries of the school.

Gendered Uniforms and Inclusivity

Gendered Uniforms

- (5) Schools may not punish or otherwise discriminate against a student for wearing an article of clothing that does not fit with their assigned gender at birth.
- (6) Clothing that does not fit with their assigned gender at birth may include, but is not necessarily limited to;
 - (a) An individual assigned male at birth wearing a skirt
 - (b) An individual assigned female at birth wearing trousers
 - (c) An individual assigned male at birth wearing a dress
 - (d) An individual assigned female at birth wearing a shirt designed for an individual assigned male at birth and vice versa

- (e) An individual assigned male at birth wearing a blouse
- (f) An individual assigned female at birth wearing a short sleeved shirt
- (g) An individual assigned male at birth wearing makeup, provided that it is within other regulations as established by the school.

Inclusivity

(7) Whether a student identifies with a gender different to their assigned gender at birth or not, students must be permitted to wear the items of clothing they choose, provided it fits with other uniform regulations established by the school.

(8) In the event that a school lacks a uniform, they may not punish or otherwise discriminate against a student on the basis of their choice of clothing, provided it is not rude, inappropriate, or otherwise offensive.

- (a) This includes discrimination based off of a student's choice of clothes if they cannot afford better ones.

Branding and Second Hand Uniforms

Branding

(9) Where a school has a uniform code requiring a logo or other forms of branding on their uniform, this may only be permitted on a blazer, sweatshirt, or another article of clothing that goes over a shirt.

- (a) This excludes items like ties or raincoats.

Second Hand Uniforms

(10) Schools must, where they have a uniform code, run a second hand uniform shop.

(11) Schools may access funds made available by the Scottish Government for assistance with running the shop if required.

(12) This second hand uniform must;

- (a) Have no visible damage to the article of clothing.
- (b) Have no visible stains to the article of clothing
- (c) Be in good condition generally
- (d) Be washed or otherwise cleaned prior to sale

(13) Any items sold must be at reasonable cost, but may not cost more than £20 per item.

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St Andrew's House
Edinburgh
13th November 2021

Explanatory Notes

(This note is not part of these regulations)

[Insert Explanatory Text here]