



# Teaching and Higher Education Act 1998

## 1998 CHAPTER 30

### PART I

#### THE TEACHING PROFESSION

#### CHAPTER I

##### THE GENERAL TEACHING [<sup>F1</sup>COUNCIL FOR WALES]

###### Textual Amendments

- F1** Words in Pt. I Ch. I heading substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 2 para. 2](#); S.I. 2012/924, art. 2

##### *The General Teaching Council for [<sup>F2</sup>Wales: aims and constitution]*

###### Textual Amendments

- F2** Words in s. 1 cross-heading substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 2 para. 3](#); S.I. 2012/924, art. 2

#### 1 [<sup>F3</sup>Aims and constitution of the Council]

[<sup>F4</sup>(1) In this Act, “the Council” means the General Teaching Council for Wales (see section 8).]

- (2) The principal aims of the Council in exercising their functions are—
- (a) to contribute to improving the standards of teaching and the quality of learning, and
  - (b) to maintain and improve standards of professional conduct amongst teachers, in the interests of the public.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: Teaching and Higher Education Act 1998, Chapter I is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F5</sup>(3) The functions conferred on the Council by or under this Chapter are exercisable by them only in relation to Wales.]

(4) In exercising their functions, the Council shall have regard to the requirements of persons who are disabled persons for the purposes of the [<sup>F6</sup>Equality Act 2010].

(5) The Council shall be constituted in accordance with regulations made by the Secretary of State; and regulations under this subsection may authorise the Council to make rules with respect to such matters relating to their constitution as may be specified in the regulations.

(6) In exercising his power to make regulations under subsection (5), the Secretary of State shall have regard to the desirability of the Council’s membership reflecting the interests of—

- (a) teachers,
- (b) employers of teachers,
- (c) providers of teacher training,
- (d) persons concerned with the teaching of persons with special educational needs,
- (e) religious bodies involved in the provision of education,
- (f) parents of pupils,
- (g) commerce and industry, and
- (h) the general public,

and such other interests as in the opinion of the Secretary of State will enable the Council to carry out their functions more effectively.

(7) Regulations under subsection (5) must be framed so as to secure that a majority of the members of the Council are registered teachers who—

- (a) either are for the time being employed or otherwise engaged to provide their services as teachers or have had such recent employment or engagement as teachers as may be prescribed; and
- (b) satisfy such other criteria as to eligibility for appointment or election to the Council as may be prescribed.

<sup>F7</sup>(8) .....

(9) Schedule 1 to this Act has effect in relation to the Council.

<sup>F8</sup>(10) .....

**Textual Amendments**

- F3** S. 1 heading heading substituted (1.4.2012) by [Education Act 2011 \(c. 21\), ss. 7\(5\), 82\(3\); S.I. 2012/924, art. 2](#)
- F4** S. 1(1) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), ss. 7\(2\), 82\(3\); S.I. 2012/924, art. 2](#)
- F5** S. 1(3) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), ss. 7\(3\), 82\(3\); S.I. 2012/924, art. 2](#)
- F6** Words in s. 1(4) substituted by [Equality Act 2010 \(c. 15\), Sch. 26 Pt. 1 para. 43](#) (as inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\), art. 1\(2\), Sch. 1 para. 5](#)); S.I. 2010/2317, [art. 2](#)
- F7** S. 1(8) repealed (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 21 para. 74, Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/1667, art. 3

*Status: Point in time view as at 01/04/2012.*

**Changes to legislation:** Teaching and Higher Education Act 1998, Chapter 1 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**F8** S. 1(10) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), ss. 7(4), 82(3); S.I. 2012/924, art. 2

**Modifications etc. (not altering text)**

**C1** S. 1(2)(4)-(9) applied (with modifications) (30.12.1998) by S.I. 1998/2911, art. 3 (as amended (31.3.2003) by 2002/2940, art. 2)

**Commencement Information**

**II** S. 1 wholly in force at 1.9.2000; s. 1 not in force at Royal Assent see s. 46(4); s. 1(1) in force for specified purposes and s. 1(2)-(10) wholly in force at 1.10.1998 by S.I. 1998/2215, art. 2; s. 1(1) in force at 1.9.2000 in so far as not already in force by S.I. 2000/970, art. 3

*Functions of the General Teaching Council for <sup>F9</sup>Wales]*

**Textual Amendments**

**F9** Word in s. 2 cross-heading substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 2 para. 4; S.I. 2012/924, art. 2

**2 Advisory functions of <sup>F10</sup>the Council].**

- (1) The Council shall from time to time advise—
  - (a) the Secretary of State, and
  - (b) such other persons or bodies as he may from time to time designate, on such matters falling within subsection (2) as they think fit.
- (2) Those matters are—
  - (a) standards of teaching;
  - (b) standards of conduct for teachers;
  - (c) the role of the teaching profession;
  - (d) the training, career development and performance management of teachers;
  - (e) recruitment to the teaching profession;
  - <sup>F11</sup>(e) the supply of teachers;
  - (ef) the retention of teachers within the teaching profession;
  - (eg) the standing of the teaching profession;]and
  - (f) medical fitness to teach.
- (3) The Council shall also advise the Secretary of State—
  - (a) on such matters falling within subsection (2), or
  - (b) on such other matters relating to teaching, as he may from time to time require.

<sup>F12</sup>(4) . . . . .

- (5) The Council may give advice on such matters falling within subsection (2) as they think fit to such persons or bodies as they may from time to time determine.

*Status: Point in time view as at 01/04/2012.*

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- (6) Any advice given by the Council on matters falling within subsection (2) shall be advice of a general nature.
- (7) The Council may publish advice given by them under subsection (1), (3) or (5).

#### Textual Amendments

- F10** Words in s. 2 heading substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 2 para. 5; S.I. 2012/924, art. 2](#)
- F11** S. 2(2)(ee)(ef)(eg) inserted (1.10.2002 (E.) and 19.12.2002 (W.)) by [2002 c. 32, s. 148, Sch. 12 para. 2 \(with ss. 210\(8\), 214\(4\)\); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I](#)
- F12** S. 2(4) repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\), s. 65, Sch. 9 para. 3, Sch. 10 \(with ss. 51, 57\(3\), 60\(4\), 64\(5\)\); S.I. 2009/2611, art. 2, Sch. \(with arts. 5-7\) \(as amended \(30.3.2010\) by S.I. 2010/1101, arts. 6-11\)](#)

#### Commencement Information

- I2** S. 2 wholly in force at 1.6.2001; s. 2 not in force at Royal Assent see s. 46(4); s. 2(1)-(3)(5)-(7) in force at 1.9.2000 by [S.I. 2000/970, art. 3](#); s. 2(4) in force at 30.4.2001 (W.) and 1.6.2001 (E.) by [S.I. 2001/1211, arts. 3, 4](#)

### 3 Registration of teachers.

- (1) The Council shall establish and maintain [<sup>F13</sup>a register for the purposes of this Chapter] (“the register”).
- (2) The register shall contain the name of every person who is eligible for [<sup>F14</sup>full or provisional registration] and applies to be registered in the register in accordance with regulations made under section 4.
- (3) <sup>M1</sup>A person is eligible for [<sup>F15</sup>registration][<sup>F15</sup>full registration] if he is a qualified teacher [<sup>F16</sup>within the meaning of section 218(2) of the Education Reform Act 1988] and he is not for the time being—
- [<sup>F17</sup>(a) subject to a direction under section 142(1)(a) of the Education Act 2002 (prohibition from teaching, &c.),]
- [<sup>F18</sup>(aa) barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006),]
- (b) subject to a disciplinary order made under Schedule 2 to this Act by virtue of which he is not eligible for [<sup>F15</sup>registration][<sup>F15</sup>full registration], or
- [<sup>F19</sup>(c) . . . . .]
- (d) (subject to such exceptions as may be prescribed by, or determined by the Secretary of State under, regulations) ineligible for registration as a teacher, or disqualified from being a teacher in any school, by virtue of any prescribed provision of the law of Scotland or of Northern Ireland.
- [<sup>F20</sup>(3A) A person is eligible for provisional registration if he satisfies such conditions as may be prescribed.
- (3B) A person is not eligible for provisional registration or full registration unless at the relevant time the Council are or were satisfied as to his suitability to be a teacher.
- (3C) In subsection (3B) “the relevant time” means—

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- (a) in relation to an applicant for provisional registration or an applicant for full registration who is already registered with provisional registration, the time of provisional registration, or
  - (b) in the case of an applicant for full registration who is not already registered with provisional registration, the time of full registration.
- (3D) Regulations may provide that any prescribed description of person is, or is not, to be taken to be suitable to be a teacher.]
- (4) Except in such circumstances as may be prescribed, a person is not eligible for [<sup>F21</sup>registration][<sup>F21</sup>full registration] if, having served an induction period in accordance with regulations under section 19, he has failed to complete it satisfactorily for the purposes of those regulations.

#### Textual Amendments

- F13** Words in s. 3(1) substituted (1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 12 para. 3(2)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 3
- F14** Words in s. 3(2) substituted (1.8.2003 for E. for specified purposes, 6.11.2006 so far as not already in force except in relation to W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 12 para. 3(3)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 3; S.I. 2006/2895, art. 2
- F15** Words in s. 3(3) substituted (6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 12 para. 3(4)** (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2
- F16** Words in s. 3(3) repealed (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 76(a)**, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/1667, art. 3
- F17** S. 3(3)(a) substituted (31.3.2003 for W., 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 76(b)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
- F18** S. 3(3)(aa) inserted (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 9 para. 4** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F19** S. 3(3)(c) repealed (1.9.2003 for E., 1.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. 3
- F20** S. 3(3)-(3D) inserted (6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 12 para. 3(5)** (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2
- F21** Words in s. 3(4) substituted (6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 12 para. 3(6)** (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2

#### Commencement Information

- I3** S. 3 wholly in force at 1.9.2000; s. 3 not in force at Royal Assent see s. 46(4); s. 3(3)(d)(4) in force for certain purposes at 5.4.2000 and for remaining purposes 1.9.2000 and s. 3(1)(2)(3)(a)-(c) in force at 1.9.2000 by [S.I. 2000/970](#), **arts. 2, 3**

#### Marginal Citations

- M1** 1988 c. 40.

## 4 Regulations relating to registration.

- (1) Regulations may make provision as to the form and manner in which the register is to be kept and other matters relating to registration.
- (2) Regulations under this section may, in particular, make provision as to—
  - (a) the form and manner in which applications for registration are to be made;

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- (b) the documentary and other evidence which is to accompany applications for registration;
  - [<sup>F22</sup>(ba) the service on applicants for registration of notice of the Council’s decision to grant or refuse the application and, in the case of a refusal, of the grounds on which the decision was taken and (where applicable) of the applicant’s right to appeal against the decision under section 4A;]
  - (c) the registration, on the establishment of the register, of persons who have not made such applications;
  - (d) the matters which are to be recorded in the register against the names of those registered in it;
  - (e) the division of the register into separate parts;
  - (f) the restoration and alteration of entries and their transfer between different parts of the register (where separate parts are required by virtue of paragraph (e));
  - (g) the charging by the Council of fees authorised by virtue of subsection (4);
  - (h) the removal of entries from the register in circumstances where the persons concerned—
    - (i) have ceased to be eligible for registration, or
    - (ii) have failed to pay any such fee,
 or otherwise;
  - (i) the issue and form of certificates of registration;
  - (j) the information contained in the register which may be made available for inspection by members of the public, and the circumstances in which and the conditions subject to which that information may be made available.
- (3) Regulations made in pursuance of subsection (2)(d) may require the recording of any restrictions for the time being in force in relation to a person as the result of—
- [<sup>F23</sup>(a) a direction given under section 142 of the Education Act 2002 (prohibition from teaching, &c.),]
  - (b) a disciplinary order made under Schedule 2 to this Act.
- (4) For the purposes of subsection (2)(g) regulations under this section may authorise the Council (subject to such exceptions as may be provided for by or under the regulations) to charge fees fixed by them with the approval of the Secretary of State in respect of—
- (a) applications for registration or for the restoration of entries in the register;
  - (b) registration in accordance with subsection (2)(c); or
  - (c) the retention of entries in the register;
- and the regulations may accordingly authorise the Council to refuse an application falling within paragraph (a) above until the appropriate fee has been paid.
- [<sup>F24</sup>(4A) The Council, in exercising any power to fix fees authorised by virtue of subsection (4), shall have regard to the expenditure of the Council in exercising—
- (a) their functions under this Act relating to registration, and
  - (b) all other functions conferred on them under this Act or any other enactment.]
- (5) Regulations under this section may authorise the Council to make provision in relation to any matter as to which provision may be made by regulations under this section.
- [<sup>F25</sup>(6) In this section “registration” means full registration or provisional registration.]

*Status: Point in time view as at 01/04/2012.*

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#### Textual Amendments

- F22** S. 4(2)(ba) inserted (6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 12 para. 4\(2\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2006/2895](#), art. 2
- F23** S. 4(3)(a) substituted (31.3.2003 for W., 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 77](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#); [S.I. 2003/1115](#), art. 3
- F24** S. 4(4A) inserted (1.10.2002 for E. and 19.12.2002 for W.) by [2002 c. 32](#), s. 148, [Sch. 12 para. 4\(3\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2002/3185](#), art. 4, [Sch. Pt. I](#)
- F25** S. 4(6) inserted (1.8.2003 for E. for specified purposes, 6.11.2006 so far as not already in force except in relation to W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 12 para. 4\(4\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/1667](#), art. 3; [S.I. 2006/2895](#), art. 2

#### [<sup>F26</sup>4A Appeals against refusal of registration

- (1) Regulations shall make provision for conferring on a person aggrieved by a decision made on relevant grounds to refuse an application made by him for registration under section 3 a right to appeal against the decision to the High Court within 28 days from the date on which notice of the decision is served on him.
- (2) The reference in subsection (1) to a decision made on relevant grounds is to a decision made on the ground that at the relevant time the Council were not satisfied of the applicant's suitability to be a teacher.
- (3) On such an appeal the Court may make any order which appears appropriate.
- (4) No appeal shall lie from any decision of the Court on such an appeal.]

#### Textual Amendments

- F26** S. 4A inserted (6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 12 para. 5](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2006/2895](#), art. 2

## 5 Code of practice for registered teachers.

- (1) Regulations may make provision for, and in connection with, authorising the Council to issue, and from time to time revise, a code laying down standards of professional conduct and practice expected of registered teachers.
- (2) Regulations under this section may, in particular, make provision—
  - (a) as to the consequences of any failure by a registered teacher to comply with the provisions of the code;
  - (b) for the provision by the Council of copies of the code, either on payment of a reasonable charge decided by the Council or, in such circumstances as may be determined in accordance with the regulations, free of charge.
- (3) Regulations made in pursuance of subsection (2)(a) may provide for any failure by a registered teacher to comply with the provisions of the code to be taken into account in any proceedings against him under Schedule 2.

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## 6 Disciplinary powers of Council in relation to registered teachers.

Schedule 2 (which makes provision for certain disciplinary powers to be conferred on the Council in relation to registered teachers and persons applying for registration) shall have effect.

### Commencement Information

**I4** S. 6 wholly in force at 1.6.2001; s. 6 not in force at Royal Assent see s. 46; s. 6 in force at 28.2.2001 (E.W.) for specified purposes by [S.I. 2001/1211](#), [art. 2](#); s. 6 in force insofar as not already in force at 30.4.2001 (W.) and 1.6.2001 (E.) by [S.I. 2001/1211](#), [arts. 3, 4](#)

### [<sup>F27</sup>6A Power to promote teaching profession

- (1) The Council may undertake activities designed to promote the standing of the teaching profession.
- (2) Without prejudice to the generality of subsection (1), such activities may include—
  - (a) giving advice,
  - (b) organising conferences and lectures, and
  - (c) arranging for the publication of material in any form.]

### Textual Amendments

**F27** S. 6A inserted (1.10.2002 for E. and 19.12.2002 for W.) by [2002 c. 32, s. 148](#), [Sch. 12 para. 6](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

## 7 Additional and ancillary functions of Council.

- (1) The Secretary of State may by order confer or impose on the Council such additional functions as he considers they may appropriately discharge in conjunction with any of their other functions under this Chapter.
- (2) Before making an order under subsection (1), the Secretary of State shall carry out such consultation as appears to him to be appropriate.
- (3) Without prejudice to the generality of subsection (1), the Secretary of State may under that subsection require the Council to give him such assistance as he may specify in relation to [<sup>F28</sup>the specification of requirements of regulations under section 132 of the Education Act 2002 (qualified teacher status)].
- (4) Without prejudice to the generality of subsection (1), the Secretary of State may under that subsection require the Council to maintain records relating to such categories of persons (including persons not eligible to be registered under section 3) as may be prescribed; and the records shall contain such information relating to those persons and be kept in such manner as may be prescribed.
- (5) The Council shall carry out such functions ancillary to their functions under this Chapter as the Secretary of State may direct.



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#### Textual Amendments

**F28** Words in s. 7(3) substituted (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 78](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/3185](#), art. 4, Sch. Pt. 1; [S.I. 2003/1667](#), art. 3

#### Commencement Information

**I5** S. 7 wholly in force at 1.9.2000; s. 7 not in force at Royal Assent see s. 46(4); s. 7(1)-(4) in force at 5.4.2000 and s. 7(5) in force at 1.9.2000 by [S.I. 2000/970](#), [arts. 2, 3](#)

### *[<sup>F29</sup>Establishment of] The General Teaching Council for Wales*

#### Textual Amendments

**F29** Words in s. 8 cross-heading inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 2 para. 6](#); [S.I. 2012/924](#), art. 2

## 8 [<sup>F30</sup>Establishment of] The General Teaching Council for Wales.

- (1) The Secretary of State may by order make provision for the establishment of a body corporate to be known as Cyngor Addysgu Cyffredinol Cymru or the General Teaching Council for Wales to exercise in relation to Wales, as from such date as may be specified in the order, the functions conferred on them by or under this Chapter.
- (2) An order under subsection (1) may provide for any provision of section 1 or Schedule 1 to have effect in relation to the General Teaching Council for Wales <sup>F31</sup>..., subject to such modifications (if any) as are specified in the order.

<sup>F32</sup>(3) .....

<sup>F32</sup>(4) .....

<sup>F32</sup>(5) .....

<sup>F32</sup>(6) .....

#### Textual Amendments

**F30** Words in s. 8 heading heading inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 2 para. 7\(c\)](#); [S.I. 2012/924](#), art. 2

**F31** Words in s. 8(2) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 2 para. 7\(a\)](#); [S.I. 2012/924](#), art. 2

**F32** S. 8(3)-(6) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 2 para. 7\(b\)](#); [S.I. 2012/924](#), art. 2

### *Functions of the General Teaching Council for Wales*

## 9 Functions of General Teaching Council for Wales: general.

<sup>F33</sup>(1) .....

*Status: Point in time view as at 01/04/2012.*

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- (2) The Secretary of State may require [<sup>F34</sup>the Council] to undertake (or join with any other person or body in undertaking) activities designed to promote—
- (a) recruitment to the teaching profession, or
  - (b) the continuing professional development of teachers.
- (3) Without prejudice to the generality of subsection (2), such activities may include—
- (a) giving advice;
  - (b) organising conferences and lectures; and
  - (c) arranging for the publication of material in any form.

#### Textual Amendments

- F33** S. 9(1) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 2 para. 8\(a\)](#); S.I. 2012/924, art. 2
- F34** Words in s. 9(2) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 2 para. 8\(b\)](#); S.I. 2012/924, art. 2

### <sup>F35</sup>10 Further functions of General Teaching Council for Wales in relation to teachers.

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#### Textual Amendments

- F35** S. 10 repealed (6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 79](#), [Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); S.I. 2006/2895, art. 2

#### *Supplementary*

### <sup>F36</sup>11 Registration requirement for teachers at schools.

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#### Textual Amendments

- F36** S. 11 repealed (1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 80](#), [Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); S.I. 2003/1667, art. 3

### 12 Deduction of fees from salaries, etc.

- (1) Regulations may, in relation to teachers to whom this section applies, make provision requiring employers of such teachers (subject to such exceptions as may be provided for by or under the regulations)—
- (a) to deduct (or arrange for the deduction) from the salary of such teachers any fee payable by virtue of section 4(4) in respect of the registration or retention of an entry on the register relating to any such teacher, and
  - (b) to remit that fee to the <sup>F37</sup>... Council.

*Status: Point in time view as at 01/04/2012.*

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- (2) This section applies to teachers at schools who, on such date or during such period as may be specified in the regulations, are—
- (a) registered in the register, or
  - [<sup>F38</sup>(b) required to be registered in the register by virtue of section 134 of the Education Act 2002]
- (3) The regulations may make provision with respect to—
- (a) the arrangements to be adopted by employers of teachers to whom this section applies for the deduction and remittance of fees,
  - (b) the administration charges which may be deducted from any fees remitted to the <sup>F39</sup>... Council, and
  - (c) the notification to the <sup>F40</sup>... Council by employers of such teachers of such particulars relating to those teachers as the regulations may specify.
- (4) In this section—
- [<sup>F41</sup>“registration” means full registration or provisional registration;]
  - <sup>F42</sup>...
  - “salary” includes any remuneration payable in respect of services as a teacher;
  - [<sup>F43</sup>“school” means a school maintained by a [<sup>F44</sup>local authority] or a special school not so maintained]

#### Textual Amendments

- F37** Word in s. 12(1)(b) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 9(a)**; [S.I. 2012/924](#), art. 2
- F38** S. 12(2)(b) substituted (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 81(a)** (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/3185](#), art. 4, Sch. Pt. 1; [S.I. 2003/1667](#), art. 3
- F39** Word in s. 12(3)(b) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 9(b)**; [S.I. 2012/924](#), art. 2
- F40** Word in s. 12(3)(c) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 9(b)**; [S.I. 2012/924](#), art. 2
- F41** Words in s. 12(4) inserted (1.8.2003 for E. for specified purposes, 6.11.2006 so far as not already in force except in relation to W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 12 para. 8** (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2003/1667](#), art. 3; [S.I. 2006/2895](#), art. 2
- F42** Words in s. 12(4) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 9(c)**; [S.I. 2012/924](#), art. 2
- F43** Words in s. 12(4) substituted (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 81(b)** (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/3185](#), art. 4, Sch. Pt. 1; [S.I. 2003/1667](#), art. 3
- F44** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 9(2)**

#### <sup>F45</sup>13 Consultation about qualified teacher status.

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*Status: Point in time view as at 01/04/2012.*

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#### Textual Amendments

- F45** S. 13 repealed (1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 21 para. 82, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 3

### 14 Supply of information relating to teachers: general.

- [<sup>F46</sup>(1) The Secretary of State may supply the Council with such information relating to individual teachers as the Council may request for the purpose of carrying out any of the functions conferred on them by or under this Chapter or as the Secretary of State considers it to be necessary or desirable for them to have for the purposes of those functions.
- (1A) The Welsh Ministers may supply the Council with such information relating to individual teachers as the Council may request for the purpose of carrying out any of the functions conferred on them by or under this Chapter or as the Welsh Ministers consider it to be necessary or desirable for them to have for the purposes of those functions.]
- (2) [<sup>F47</sup>The Council] shall supply the Secretary of State with such information as he may request for the purpose of—
- (a) statistical analysis, or
  - (b) any other function of his relating to teachers.
- (3) The Secretary of State may by regulations require [<sup>F48</sup>the] Council to supply information—
- (a) to such other person or body, and
  - (b) for such purposes and subject to such conditions,
- as may be prescribed.
- <sup>F49</sup>(4) . . . . .
- (5) This section does not limit the circumstances in which information may be supplied apart from this section.

#### Textual Amendments

- F46** S. 14(1)(1A) substituted for s. 14(1) (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 10(a)**; S.I. 2012/924, art. 2
- F47** Words in s. 14(2) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 10(b)**; S.I. 2012/924, art. 2
- F48** Word in s. 14(3) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 10(c)**; S.I. 2012/924, art. 2
- F49** S. 14(4) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 10(d)**; S.I. 2012/924, art. 2

#### Commencement Information

- I6** S. 14 wholly in force at 1.9.2000; s. 14 not in force at Royal Assent see s. 46(4); s. 14(3) in force at 5.4.2000 and s. 14(1)(2)(4)(5) in force at 1.9.2000 by S.I. 2000/970, **arts. 2, 3**

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## **[<sup>F50</sup>15 Supply of information following dismissal, resignation, &c.**

- (1) This section applies where a relevant employer—
- (a) has ceased to use [<sup>F51</sup>the services of a registered teacher on a ground mentioned in subsection (1A)], or
  - (b) might have ceased to use [<sup>F52</sup>a registered teacher's] services on a ground mentioned in that [<sup>F53</sup>subsection] had [<sup>F54</sup>the teacher] not ceased to provide those services.

[<sup>F55</sup>(1A) The grounds are—

- (a) misconduct;
- (b) professional incompetence;
- (c) conviction of a relevant offence within the meaning of paragraph 8 of Schedule 2.]

<sup>F56</sup>(2) .....

(3) <sup>F57</sup>... The employer shall provide prescribed information to [<sup>F58</sup>the Council].

<sup>F59</sup>(4) .....

(5) In this section—

[<sup>F60</sup>“relevant employer” means—

- (a) a [<sup>F44</sup>local authority][<sup>F61</sup>in Wales];
- (b) a person exercising a function relating to the provision of education on behalf of a [<sup>F44</sup>local authority][<sup>F61</sup>in Wales];
- (c) the proprietor of a school [<sup>F61</sup>in Wales];
- (d) the governing body of a further education institution [<sup>F61</sup>in Wales];  
“education” includes vocational, social, physical and recreational training;  
“proprietor” and “school” have the meanings given in the Education Act 1996;  
“further education institution” has the meaning given in section 140 of the Education Act 2002;]  
“services” includes professional and voluntary services.]

### **Textual Amendments**

- F44** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 9(2)**
- F50** Ss. 15, 15A substituted for s. 15 (31.3.2003 for W. and 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 83** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
- F51** Words in s. 15(1)(a) substituted (17.12.2008 for E. for specified purposes) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 9 para. 5(2)(a)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)
- F52** Words in s. 15(1)(b) substituted (17.12.2008 for E. for specified purposes) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 9 para. 5(2)(b)(i)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)

*Status: Point in time view as at 01/04/2012.*

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<b>F53</b>	Word in s. 15(1)(b) substituted (17.12.2008 for E. for specified purposes) by <a href="#">Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 5(2)(b)(ii)</a> (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)
<b>F54</b>	Words in s. 15(1)(b) substituted (17.12.2008 for E. for specified purposes) by <a href="#">Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 5(2)(b)(iii)</a> (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)
<b>F55</b>	S. 15(1A) inserted (17.12.2008 for E. for specified purposes) by <a href="#">Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 5(3)</a> (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)
<b>F56</b>	S. 15(2) omitted (1.4.2012) by virtue of <a href="#">Education Act 2011 (c. 21), s. 82(3), Sch. 2 para. 11(a)</a> ; S.I. 2012/924, art. 2
<b>F57</b>	Words in s. 15(3) omitted (1.4.2012) by virtue of <a href="#">Education Act 2011 (c. 21), s. 82(3), Sch. 2 para. 11(b)(i)</a> ; S.I. 2012/924, art. 2
<b>F58</b>	Words in s. 15(3) substituted (1.4.2012) by <a href="#">Education Act 2011 (c. 21), s. 82(3), Sch. 2 para. 11(b)(ii)</a> ; S.I. 2012/924, art. 2
<b>F59</b>	S. 15(4) repealed (17.12.2008 for E. for specified purposes) by <a href="#">Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 5(6), Sch. 10</a> (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)
<b>F60</b>	Definitions in s. 15(5) substituted (17.12.2008 for E. for specified purposes) for the definition of “relevant employer” by <a href="#">Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 5(7)</a> (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)
<b>F61</b>	Words in s. 15(5) inserted (1.4.2012) by <a href="#">Education Act 2011 (c. 21), s. 82(3), Sch. 2 para. 11(c)</a> ; S.I. 2012/924, art. 2

**[<sup>F50</sup>15A Supply of information by contractor, agency, &c.**

- (1) This section applies to arrangements made by one person (the “agent”) for [<sup>F62</sup>a registered teacher (the “teacher”)] to carry out work at the request of or with the consent of a relevant employer (whether or not under a contract).
- (2) [<sup>F63</sup>Subsection (4) applies] where an agent—
  - (a) has terminated the arrangements on a ground mentioned in [<sup>F64</sup>section 15(1A)],
  - (b) might have terminated the arrangements on a ground mentioned in that [<sup>F65</sup>subsection] if the worker had not terminated them, or
  - (c) might have refrained from making new arrangements for a [<sup>F66</sup>teacher] on a ground mentioned in that [<sup>F67</sup>subsection] if he had not ceased to make himself available for work.
- <sup>F68</sup>(3) .....
- (4) <sup>F69</sup>... The agent shall provide prescribed information to [<sup>F70</sup>the Council].
- <sup>F71</sup>(5) .....
- (6) If the National Assembly thinks that an agent has failed or is likely to fail to comply with a duty arising under subsection (4), the National Assembly may direct the person to comply with the duty.
- <sup>F72</sup>(7) .....
- (8) A direction under subsection (6) shall be enforceable, on the application of the National Assembly, by a mandatory order.

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(9) [<sup>F73</sup>Subsection] (5) of section 15 shall apply for the purposes of this section as [<sup>F74</sup>it applies] for the purposes of that section.]

#### Textual Amendments

- F50** Ss. 15, 15A substituted for s. 15 (31.3.2003 for W. and 1.6.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 83** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
- F62** Words in s. 15A(1) substituted (17.12.2008 for E. for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 6(2)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(iv)
- F63** Words in s. 15A(2) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 12(a)**; S.I. 2012/924, art. 2
- F64** Words in s. 15A(2)(a) substituted (17.12.2008 for E. for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 6(3)(a)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(iv)
- F65** Word in s. 15A(2)(b) substituted (17.12.2008 for E. for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 6(3)(b)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(iv)
- F66** Word in s. 15A(2)(c) substituted (17.12.2008 for E. for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 6(3)(c)(i)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(iv)
- F67** Word in s. 15A(2)(c) substituted (17.12.2008 for E. for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 6(3)(c)(ii)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(iv)
- F68** S. 15A(3) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 12(b)**; S.I. 2012/924, art. 2
- F69** Words in s. 15A(4) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 12(c)(i)**; S.I. 2012/924, art. 2
- F70** Words in s. 15A(4) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 12(c)(ii)**; S.I. 2012/924, art. 2
- F71** S. 15A(5) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 12(b)**; S.I. 2012/924, art. 2
- F72** S. 15A(7) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 12(b)**; S.I. 2012/924, art. 2
- F73** Word in s. 15A(9) substituted (17.12.2008 for E. for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 6(6)(a)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(iv)
- F74** Words in s. 15A(9) substituted (17.12.2008 for E. for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 6(6)(b)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(iv)

#### *The General Teaching Council for Scotland*

### 16 Duty to have regard to needs of disabled persons.

At the end of section 1 of the <sup>M2</sup>Teaching Council (Scotland) Act 1965 (establishment of General Teaching Council for Scotland) there shall be inserted—

*Status: Point in time view as at 01/04/2012.*

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“(3) In exercising their functions, the Council shall have regard to the requirements of persons who are disabled persons for the purposes of the <sup>M3</sup>Disability Discrimination Act 1995.”

**Marginal Citations**

**M2** 1965 c. 19.

**M3** 1995 c. 50.

**17 Representation of special educational needs teachers on General Teaching Council for Scotland.**

In paragraph 1 of Schedule 1 to the Teaching Council (Scotland) Act 1965 (composition of General Teaching Council for Scotland), after sub-paragraph (8) there shall be inserted—

“(9) In nominating members of the Council under sub-paragraph (1)(c) above, the Secretary of State shall have regard to the desirability of the membership of the Council reflecting the interests of persons concerned with the teaching of persons with special educational needs.”



**Status:**

Point in time view as at 01/04/2012.

**Changes to legislation:**

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