



Teaching and Higher Education Act 1998

1998 CHAPTER 30

PART I

THE TEACHING PROFESSION

CHAPTER I

THE GENERAL TEACHING COUNCILS

Supplementary

^{F1} 11 Registration requirement for teachers at schools.

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Textual Amendments

F1 S. 11 repealed (1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 21 para. 80, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2003/1667](#), art. 3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 relevant Council.

Status: Point in time view as at 12/10/2009.

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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
 - [^{F2}(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 relevant Council, and
 - (c) the notification to the relevant Council by employers of such teachers of such particulars relating to those teachers as the regulations may specify.
- (4) In this section—
- [^{F3}“registration” means full registration or provisional registration;]
 “relevant Council” means the Council or (after their establishment) the General Teaching Council for Wales;
 “salary” includes any remuneration payable in respect of services as a teacher;
 [^{F4}“school” means a school maintained by a local education authority or a special school not so maintained]

Textual Amendments

- F2** 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](#)
- F3** 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](#)
- F4** 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](#)

^{F5}13 Consultation about qualified teacher status.

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Textual Amendments

- F5** 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.

- (1) The Secretary of State shall supply the Council or the General Teaching Council for Wales with such information relating to individual teachers as he considers it to be necessary or desirable for them to have for the purpose of carrying out any of the functions conferred on them by or under this Chapter.

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- (2) Each of those Councils 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 either 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.
- (4) Without prejudice to the generality of subsection (3), once the General Teaching Council for Wales have been established, that Council and the General Teaching Council for England shall each supply the other with such information as it is necessary or desirable for that other Council to have for the purpose of carrying out any of the functions conferred on them by or under this Chapter.
- (5) This section does not limit the circumstances in which information may be supplied apart from this section.

Commencement Information

- II** 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](#)

^{F6}15 Supply of information following dismissal, resignation, &c.

- (1) This section applies where a relevant employer—
 - (a) has ceased to use ^{F7}the services of a registered teacher on a ground mentioned in subsection (1A)], or
 - (b) might have ceased to use ^{F8}a registered teacher's] services on a ground mentioned in that ^{F9}subsection] had ^{F10}the teacher] not ceased to provide those services.

^{F11}(1A) The grounds are—

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

- (2) In the case of ^{F12}a teacher] who was providing services to a relevant employer in England, the employer shall provide prescribed information to ^{F13}the Council].
- (3) In the case of ^{F14}a teacher] who was providing services to a relevant employer in Wales, the employer shall provide prescribed information to ^{F15}the General Teaching Council for Wales].

^{F16}(4)

(5) In this section—

^{F17}“relevant employer” means—

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- (a) a local education authority;
 - (b) a person exercising a function relating to the provision of education on behalf of a local education authority;
 - (c) the proprietor of a school;
 - (d) the governing body of a further education institution;
- “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

- F6** 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
- F7** 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)
- F8** 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)
- F9** Word 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)(ii)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)
- F10** 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)(iii)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)
- F11** S. 15(1A) inserted (17.12.2008 for E. for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 5(3)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)
- F12** Words in s. 15(2) substituted (17.12.2008 for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 5(4)(a)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(ii)
- F13** Words in s. 15(2) substituted (17.12.2008 for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 5(4)(b)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(ii)
- F14** Words in s. 15(3) substituted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 5(5)(a)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F15** Words in s. 15(3) substituted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 5(5)(b)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F16** S. 15(4) repealed (17.12.2008 for E. for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 5(6), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)
- F17** Definitions in s. 15(5) substituted (17.12.2008 for E. for specified purposes) for the definition of “relevant employer” by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 5(7)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(i)

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[^{F6}15A Supply of information by contractor, agency, &c.

- (1) This section applies to arrangements made by one person (the “agent”) for [^{F18}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) Subsections (3) and (4) apply where an agent—
 - (a) has terminated the arrangements on a ground mentioned in [^{F19}section 15(1A)],
 - (b) might have terminated the arrangements on a ground mentioned in that [^{F20}subsection] if the worker had not terminated them, or
 - (c) might have refrained from making new arrangements for a [^{F21}teacher] on a ground mentioned in that [^{F22}subsection] if he had not ceased to make himself available for work.
- (3) In the case of arrangements for a [^{F23}teacher] to carry out work in England, the agent shall provide prescribed information to [^{F24}the Council].
- (4) In the case of arrangements for a [^{F25}teacher] to carry out work in Wales, the agent shall provide prescribed information to [^{F26}the General Teaching Council for Wales].
- (5) If the Secretary of State thinks that an agent has failed or is likely to fail to comply with a duty arising under subsection (3), the Secretary of State may direct the person to comply with the duty.
- (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.
- (7) A direction under subsection (5) shall be enforceable, on the application of the Secretary of State, by mandatory order.
- (8) A direction under subsection (6) shall be enforceable, on the application of the National Assembly, by a mandatory order.
- (9) [^{F27}Subsection] (5) of section 15 shall apply for the purposes of this section as [^{F28}it applies] for the purposes of that section.]

Textual Amendments

- F6** 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
- F18** 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)
- F19** 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)
- F20** 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)
- F21** 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)

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- F22** 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)
- F23** Word in s. 15A(3) substituted (17.12.2008 for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 6(4)(a)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(v)
- F24** Words in s. 15A(3) substituted (17.12.2008 for specified purposes) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 6(4)(b)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/3204, art. 2(b)(v)
- F25** Word in s. 15A(4) substituted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 6(5)(a)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F26** Words in s. 15A(4) substituted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 6(5)(b)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F27** 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)
- F28** 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)

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