

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 11

#### ABOLITION OF THE GTCE: CONSEQUENTIAL AMENDMENTS

##### *Amendments to THEA 1998*

1 THEA 1998 is amended as follows.

**Commencement Information**

**I1** Sch. 2 para. 1 in force at 1.4.2012 by S.I. 2012/924, art. 2

2 In the heading to Chapter 1, for “Councils” substitute “ Council for Wales ”.

**Commencement Information**

**I2** Sch. 2 para. 2 in force at 1.4.2012 by S.I. 2012/924, art. 2

3 In the italic cross-heading above section 1, for “England” substitute “ Wales: aims and constitution ”.

**Commencement Information**

**I3** Sch. 2 para. 3 in force at 1.4.2012 by S.I. 2012/924, art. 2

4 In the italic cross-heading above section 2, for “England” substitute “ Wales ”.

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 1.4.2012 by S.I. 2012/924, art. 2

5 In section 2, in the heading, for “General Teaching Council for England” substitute “ the Council ”.

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 1.4.2012 by S.I. 2012/924, art. 2

6 In the italic cross-heading above section 8, at the beginning insert “ Establishment of ”.

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**Commencement Information**

**I6** Sch. 2 para. 6 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 7 In section 8 (the General Teaching Council for Wales)—
- (a) in subsection (2), omit “as it has effect in relation to the Council,”;
  - (b) omit subsections (3) to (6);
  - (c) in the heading, at the beginning insert “ Establishment of ”.

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 8 In section 9 (functions of the General Teaching Council for Wales: general)—
- (a) omit subsection (1);
  - (b) in subsection (2), for “the General Teaching Council for Wales” substitute “ the Council ”.

**Commencement Information**

**I8** Sch. 2 para. 8 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 9 In section 12 (deduction of fees from salaries, etc)—
- (a) in subsection (1)(b), omit “relevant”;
  - (b) in subsection (3), in paragraphs (b) and (c), omit “relevant”;
  - (c) in subsection (4), omit the definition of “relevant Council”.

**Commencement Information**

**I9** Sch. 2 para. 9 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 10 In section 14 (supply of information relating to teachers: general)—
- (a) for subsection (1) substitute—
    - “(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.”
  - (b) in subsection (2), for “Each of those Councils” substitute “ The Council ”;
  - (c) in subsection (3), for “either” substitute “ the ”;
  - (d) omit subsection (4).

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**Commencement Information**

**I10** Sch. 2 para. 10 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 11 In section 15 (supply of information following dismissal, resignation, etc)—
- (a) omit subsection (2);
  - (b) in subsection (3)—
    - (i) omit the words from the beginning to “in Wales,”;
    - (ii) for “the General Teaching Council for Wales” substitute “ the Council ”.
  - (c) in subsection (5), in the definition of “relevant employer”, at the end of each of paragraphs (a), (b), (c) and (d) insert “ in Wales ”.

**Commencement Information**

**I11** Sch. 2 para. 11 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 12 In section 15A (supply of information by contractor, agency, etc)—
- (a) in subsection (2), for “Subsections (3) and (4) apply” substitute “ Subsection (4) applies ”;
  - (b) omit subsections (3), (5) and (7);
  - (c) in subsection (4)—
    - (i) omit the words from the beginning to “in Wales,”;
    - (ii) for “the General Teaching Council for Wales” substitute “ the Council ”.

**Commencement Information**

**I12** Sch. 2 para. 12 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 13 In the italic cross-heading above section 19, at the end insert “ : teachers in Wales ”.

**Commencement Information**

**I13** Sch. 2 para. 13 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 14 In section 19 (requirement to serve induction period)—
- (a) in subsection (1), after “schools” insert “ in Wales ”;
  - (b) in subsection (2)(i), for “either the Council or the General Teaching Council for Wales” substitute “ the Council ”;
  - (c) in subsection (3)—
    - (i) omit the words from the beginning to “established,”;
    - (ii) for “one or both of those Councils (as appropriate)” substitute “ the Council ”;
  - (d) in subsection (4)(b), omit “or the General Teaching Council for Wales”.

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**Commencement Information**

**I14** Sch. 2 para. 14 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 15 In section 42 (orders and regulations)—
- (a) omit subsection (3);
  - (b) in subsection (9)—
    - (i) omit the words from the beginning to “established,”;
    - (ii) omit “to which the regulations will relate”.

**Commencement Information**

**I15** Sch. 2 para. 15 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 16 (1) Schedule 1 is amended as follows.
- (2) In the title, for “England” substitute “ Wales ”.
- (3) In paragraph 2, omit sub-paragraph (3).
- (4) In paragraph 4(1)—
- (a) in paragraph (a), for “the Secretary of State” substitute “ they ”;
  - (b) for paragraph (b) substitute—
    - “(b) shall, as regards any member in whose case they may so determine, pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of that member as they may determine.”
- (5) For paragraph 4(2) substitute—
- “(2) If a person ceases to be a member of the Council and it appears to the Council that there are special circumstances which make it right that the person should receive compensation, the Council may make to that person a payment of such amount as they may determine.”
- (6) In paragraph 4(3), for “the Secretary of State” substitute “ they ”.
- (7) In paragraph 4(4), for “the Secretary of State” substitute “ they ”.
- (8) In paragraph 5, omit sub-paragraph (4).
- (9) In paragraph 6—
- (a) in sub-paragraph (1), omit “, with the consent of the Secretary of State,”;
  - (b) in sub-paragraph (3), for the words following paragraph (b) substitute “ the Council may make provision for that person to continue to participate in that scheme, on such terms and conditions as they may determine, as if the person's service as a member were service as an employee; and any such provision shall be without prejudice to paragraph 4. ”
- (10) In paragraph 11, omit sub-paragraph (1).

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**Commencement Information**

**I16** Sch. 2 para. 16 in force at 1.4.2012 by S.I. 2012/924, art. 2

17 In Schedule 2 (disciplinary powers of Council), in paragraph 7 (supplementary provisions) for sub-paragraph (2) substitute—

“(2) Regulations may also make provision for securing that any prohibition order made by virtue of Schedule 11A to the Education Act 2002 in relation to a teacher in England has a corresponding effect in relation to Wales.”

**Commencement Information**

**I17** Sch. 2 para. 17 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Amendments to other Education Acts*

18 In EA 1994, in section 18B (inspection of teacher training), in subsection (3) (advice from Chief Inspector), omit paragraph (c) (and the “or” preceding it).

**Commencement Information**

**I18** Sch. 2 para. 18 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 19 (1) EA 2002 is amended as follows.
- (2) In section 132 (qualified teacher status), omit subsection (3) (consultation of GTCE).
- (3) In section 134 (requirement to be registered)—
- (a) in subsection (1)—
    - (i) after “school” insert “ in Wales ”;
    - (ii) after “General Teaching Council” insert “ for Wales ”;
  - (b) in subsection (2), after “person” insert “ in Wales ”;
  - (c) in subsection (3), after “qualified teacher” insert “ in Wales ”;
  - (d) in the heading, at the end insert “ : teachers in Wales ”.
- (4) In section 145 (specification of qualification or course), in subsection (1)(c), omit “the General Teaching Council for England,”.
- (5) In Schedule 12 (the General Teaching Councils for England and Wales), in Part 1 (amendments to the Teaching and Higher Education Act 1998), omit paragraph 7 (amendment to section 9(1)).

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**I19** Sch. 2 para. 19 in force at 1.4.2012 by S.I. 2012/924, art. 2

20 In ESA 2008—

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- (a) in section 130 (directions prohibiting participation in management: information), in subsection (5), omit “the General Teaching Council for England,”;
- (b) in Schedule 1 (minor and consequential amendments), in paragraph 23 (substitution of sections 167C and 167D of EA 2002), in the substituted section 167C, in subsection (5), omit “ the General Teaching Council for England,”.

**Commencement Information**

**I20** Sch. 2 para. 20 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Other amendments*

- 21 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2, omit “General Teaching Council for England.”

**Commencement Information**

**I21** Sch. 2 para. 21 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 22 In Schedule 1 to the Superannuation Act 1972 (kinds of employment in relation to which superannuation schemes may be made), omit “General Teaching Council for England.”

**Commencement Information**

**I22** Sch. 2 para. 22 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 23 In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership) in Part 3, omit “Any member of the General Teaching Council for England in receipt of remuneration.”

**Commencement Information**

**I23** Sch. 2 para. 23 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 24 In section 50 of the Employment Rights Act 1996 (right to time off for public duties), in subsection (9) (definition of “relevant education body”) omit paragraph (i) (but not the “or” following it).

**Commencement Information**

**I24** Sch. 2 para. 24 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 25 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 6 omit “The General Teaching Council for England.”

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**I25** Sch. 2 para. 25 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 26 In section 343 of the Income Tax (Earnings and Pensions) Act 2003 (deductions allowed from earnings: professional membership fees), in the Table in subsection (2), in part 7 omit paragraph (a) (fee for registration by the GTCE).

**Commencement Information**

**I26** Sch. 2 para. 26 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 27 (1) The Safeguarding Vulnerable Groups Act 2006 is amended as follows.
- (2) In section 41 (registers: duty to refer), in the table in subsection (7), in entry 1, for the entry in column 2 substitute “ The General Teaching Council for Wales ”.
- (3) In section 45 (supervisory authorities: duty to refer), in subsection (7), after paragraph (a) insert—
- “(aza) the Secretary of State in respect of the Secretary of State's functions under sections 141B to 141E of the Education Act 2002;
  - (azb) the Secretary of State in respect of the Secretary of State's functions under Chapter 1 of Part 4 of the Education and Skills Act 2008;”.
- (4) In Schedule 3 (barred lists), in paragraph 16 (representations), in sub-paragraph (4)—
- (a) after “before” insert “ the Secretary of State in the exercise of the Secretary of State's functions under section 141B of the Education Act 2002, or in proceedings before ”;
  - (b) omit paragraph (a).
- (5) In Schedule 8 (transitional provision), in paragraph 2 (existing restrictions relating to children)—
- (a) in sub-paragraph (3), omit paragraphs (a) and (c);
  - (b) in sub-paragraph (4), for “(3)(c) and (d)” substitute “ (3)(d) ”;
  - (c) in sub-paragraph (7), for “(3)(c) and (d)” substitute “ (3)(d) ”.

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**I27** Sch. 2 para. 27 in force at 1.4.2012 by S.I. 2012/924, art. 2

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