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EDUCATION, ENGLAND AND WALES

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Qualified Teachers and Teachers in Special Schools
Regulations 1971**

<i>Made</i>	- - -	<i>3rd March 1971</i>
<i>Laid before Parliament</i>		<i>12th March 1971</i>
<i>Coming into Operation</i>		<i>1st April 1971</i>

The Secretary of State for Education and Science, in exercise of her powers under section 33 of the Education Act 1944(a) and section 3(4) of the Local Government Act 1958(b), hereby makes the following regulations :—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Qualified Teachers and Teachers in Special Schools Regulations 1971 and shall come into operation on 1st April 1971.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) In these regulations “Diploma” means the Diploma awarded to teachers of mentally handicapped children by the Training Council for Teachers of the Mentally Handicapped and “Declaration” means the Declaration of Recognition of Experience awarded by that Council.

Qualified Teachers

2.—(1) In regulation 16(2) of the Schools Regulations 1959(d) as amended (e) (which defines the expression “qualified teacher”) after sub-paragraph (e) there shall be added as new sub-paragraphs :—

“(f) a person who has obtained the Diploma and has subsequently completed five years service in training children classified under section 57 of the Education Act 1944 as unsuitable for education at school or as a teacher in a special school or partly in such training and partly as such a teacher ;

(a) 1944 c. 31.

(b) 1958 c. 55.

(c) 1889 c. 63.

(d) S.I. 1959/364 (1959 I, p. 1584).

(e) The relevant amending instrument is S.I. 1969/1777 (1969 III, p. 5573).

(g) a person who has obtained the Diploma by virtue of having been awarded a diploma in the teaching of mentally handicapped children by the National Association of Mental Health or the council of the county of Middlesex and has, since being awarded such a diploma, completed such service as is described in sub-paragraph (f);

(h) a person who has obtained the Declaration and has subsequently completed five years service as a teacher in a special school.”

(2) In paragraph (2)(a) of the schedule to the Schools Regulations 1959 as amended (a) (probationary service) for the words “a course of training specified in Schedule I” there shall be substituted the words “any such course of training (other than a course outside the United Kingdom) as is mentioned in regulation 16(2)(a)”.

Teachers in Special Schools

3.—(1) In regulation 15(2) of the Handicapped Pupils and Special Schools Regulations 1959(b) as amended (c) (which relates to the employment of teachers in special schools) for the words “the next following regulation” there shall be substituted the words “regulations 16 and 16A” and the reference to regulation 16(2) of the Schools Regulations 1959 shall be construed as a reference to that regulation as amended.

(2) In regulation 15(3) of the Handicapped Pupils and Special Schools Regulations 1959 the word “and” at the end of sub-paragraph (a) shall be omitted and at the end of the paragraph there shall be added as a new sub-paragraph—

“(c) a person who holds the Diploma or the Declaration but has not completed such service as is described in sub-paragraph (f), (g) or (h), as the case may be, of regulation 16(2) of the Schools Regulations 1959 as amended, may be employed in any special school.”

(3) After regulation 16 of the Handicapped Pupils and Special Schools Regulations 1959 as amended there shall be inserted as a new regulation—

“16A.—(1) A person may be employed as a teacher in any special school if he was employed before 1st April 1971 by or under a local health authority or a regional hospital board in training, or in assisting a person engaged in training, children classified under section 57 of the Education Act 1944 as unsuitable for education at school.

(2) A person whose employment as a teacher in a special school is not authorised by the preceding provisions of these regulations may be so employed if—

(a) the authority or (in the case of a school not maintained by a local education authority) the managers of the school are satisfied that he is fitted, by reason of his qualifications, experience or otherwise, to teach children requiring special educational treatment; and

(b) no person whose employment is so authorised is available for appointment to the school.”

(a) The relevant amending instruments are S.I. 1968/1281, 1969/1777 (1968 II, p. 3585; 1969 III, p. 5573).

(b) S.I. 1959/365 (1959 I, p. 1024).

(c) The amending Regulations are not relevant to the subject matter of these Regulations.

Given under the Official Seal of the Secretary of State for Education and Science on 3rd March 1971.

(L.S.)

Margaret Thatcher,
Secretary of State for
Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations make provision, consequential upon the coming into operation of the Education (Handicapped Children) Act 1970 (c.52), for the employment as teachers of persons with qualifications and experience in the training of mentally handicapped children and for the employment of teachers in special schools.

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