

1978 No. 1144

EDUCATION, ENGLAND AND WALES

The Schools (Amendment) Regulations 1978

Made - - - - - 2nd August 1978

Laid before Parliament 10th August 1978

Coming into Operation 1st September 1978

The Secretary of State for Education and Science, in exercise of the powers conferred on her by section 5(2) of the Local Government Act 1974(a), hereby makes the following Regulations:—

1. These Regulations may be cited as the Schools (Amendment) Regulations 1978 and shall come into operation on 1st September 1978.

2. In these Regulations a reference to the principal Regulations is a reference to the Schools Regulations 1959(b), as amended(c).

3. In Regulation 19 of the principal Regulations (employment of teachers) for the words “terms of” there shall be substituted the words “appointment and”.

4. For paragraph 1 of Schedule II to the principal Regulations there shall be substituted the following provision:—

“1.—(1) Where for the purposes of its functions relating to the appointment of teachers an authority is considering a candidate’s health and physical capacity for teaching then, if—

(a) the appointment would constitute the candidate’s first such employment as a teacher as is mentioned in sub-paragraph (2) below, and

(b) the Secretary of State is satisfied that he has, or has not, the health and physical capacity for teaching,

the authority shall accept the Secretary of State’s conclusion in the matter.

(2) The employment as a teacher referred to in sub-paragraph (1) is employment as a qualified teacher or student teacher in—

(a) a school within the meaning of regulation 3(1);

(b) a special school; or

(c) a school in respect of which grant is paid under regulation 5 of the Direct Grant Schools Regulations 1959(d), as amended(e) (schools not grammar schools).”.

(a) 1974 c. 7.

(b) S.I. 1959/364.

(c) The relevant amending instrument is S.I. 1968/1281.

(d) S.I. 1959/1832.

(e) The amending instruments 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 2nd August 1978.

(L.S.)

Gordon Oakes,
Minister of State,
Authorised by the Secretary of State for
Education and Science.

EXPLANATORY NOTE
(*This Note is not part of the Regulations.*)

These Regulations amend the Schools Regulations 1959.

Under paragraph 1 of Schedule II to those Regulations it is a general requirement that a person, on first employment as a qualified or student teacher, shall satisfy the Secretary of State of his health and physical capacity for teaching.

The present Regulations relax this requirement by leaving the question of a candidate's health and physical capacity to be determined by the local education authority if it has not been considered by the Secretary of State.

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