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STATUTORY INSTRUMENTS

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**1991 No. 1134**

**EDUCATION, ENGLAND AND WALES**

**The Education (Teachers) (Amendment) Regulations 1991**

*Made* - - - - *7th May 1991*  
*Laid before Parliament* *8th May 1991*  
*Coming into force* - - *1st September 1991*

The Secretary of State for Education and Science, in exercise of the powers conferred on him by section 218(1)(c), (6) and 232(5) of the Education Reform Act 1988<sup>(1)</sup> hereby makes the following Regulations:

1. These Regulations may be cited as the Education (Teachers)(Amendment) Regulations 1991 and shall come into force on 1st September 1991.
2. The Education (Teachers) Regulations 1989<sup>(2)</sup> shall be amended as follows—
  - (1) In regulation 13, for “3 and 4” there shall be substituted “3, 4 and 4A”.
  - (2) In the heading to Schedule 3, after the words “LICENSED TEACHERS” there shall be inserted within the bracket the words “AND OVERSEAS TRAINED TEACHERS”.
  - (3) In paragraph 5(d)(i) of Schedule 4, “24” shall be substituted for “26”.
  - (4) There shall be inserted after the end of Schedule 4 the following—

“SCHEDULE 4A

Regulation 13

CASES AND CIRCUMSTANCES IN WHICH UNQUALIFIED TEACHERS  
MAY BE EMPLOYED AT SCHOOLS - OVERSEAS TRAINED TEACHERS

**PART 1**

**GENERAL AND INTERPRETATION**

1.—(1) This paragraph shall apply to a person who is not a qualified teacher but who has been granted an authorization to teach in accordance with Part 2 of this Schedule.

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(1) 1988 c. 40.

(2) S.I. 1989/1319, amended by S.I. 1989/1541 and 1990/1561.

(2) Subject to the provisions of Part 3 of this Schedule, such a person may be employed as a teacher in a school.

### **Interpretation**

2. In this Schedule, and Schedule 5, unless the context otherwise requires,—
- “authorization” means an authorization to teach granted to a person by the Secretary of State in accordance with Part 2 of this Schedule;
- “overseas trained teacher” means a person to whom an authorization has been granted.

## **PART 2**

### **REQUIREMENTS FOR THE GRANTING OF AN AUTHORIZATION**

3.—(1) On the recommendation of the recommending body, acting, in the case of a school which has a delegated budget, with the consent of the local education authority, the Secretary of State may grant an authorization to the person named in that recommendation.

(2) Where the local education authority refuses to give its consent it shall notify the recommending body of its reasons in writing and shall report the facts of the case to the Secretary of State.

4. A recommendation for an authorization shall contain such particulars as the Secretary of State may determine.

5. Without prejudice to the generality of paragraph 4, a recommendation shall include:

- (1) a statement by the recommending body that the person named in the recommendation:
- (a) is in their opinion a suitable person to be a teacher; and
  - (b) has attained in English and mathematics the standard required to obtain grade C in the General Certificate of Secondary Education; and
  - (c) has successfully completed either—
    - (i) a first degree course in education at a university or equivalent educational institution outside England and Wales; or
    - (ii) a first degree course at a university or equivalent educational institution in England or Wales or elsewhere, and a post-graduate course of initial training for teachers in schools at a university or equivalent educational institution outside England and Wales (whether or not the same institution); and
  - (d) has been employed for not less than one year as a teacher or lecturer in a school, independent school, institution or university or other educational establishment either in England or Wales or elsewhere and was not dismissed on grounds other than redundancy;
- (2) particulars of the training proposed to be given to the overseas trained teacher;
- (3) a statement that
- (a) the teacher may be employed in more than one school maintained by the same local education authority during the period of the authorization; or
  - (b) particulars of the post in which the overseas trained teacher is to be employed, including
    - (i) the name of the school at which he is to be employed;
    - (ii) the age range of the pupils he is to teach;
    - (iii) any subjects in which the overseas trained teacher is to specialise;

- (iv) a statement as to whether the teacher is to be employed full-time or part-time and in the latter case his normal working hours.

## PART 3

### SUPPLEMENTARY PROVISIONS

- 6.—(1) Subject to sub-paragraph (2), an authorization shall remain in force
- (a) in the case of a first authorization for a full-time post, for two years from the date of its commencement;
  - (b) in the case of a first authorization for a part-time post or a subsequent authorization (whether for a full-time or part-time post), for such period as may be specified in the authorization.
- (a) (2) An authorization shall lapse if an overseas trained teacher to whom paragraph 5(3)(a) applies ceases to be employed by the local education authority which was the recommending body or with whose consent the recommending body acted pursuant to paragraph 3;
- (b) an authorization shall lapse if an overseas trained teacher to whom paragraph 5(3)(b) applies ceases to be employed in the post of which particulars are given in the authorization;

7. The recommending body and, in the case of a school which has a delegated budget, the local education authority shall cause the overseas trained teacher to receive during the period of the authorization the training particulars of which were given in pursuance of paragraph 5(2).

8. When the recommending body has submitted a recommendation to the Secretary of State pursuant to Part 2 of this Schedule, the person named in that recommendation may be provisionally employed as an overseas trained teacher until 14 days after the Secretary of State has notified the recommending body of his decision whether or not to grant the authorization.

9. Without prejudice to regulation 11, in any case where an authorization lapses by virtue of paragraph 6(2) the recommending body shall report the facts of the case to the Secretary of State unless they have reported the facts of the case to him in pursuance of the duty imposed by regulation 11."

- (5) In paragraph 2(2)(c) of Schedule 5—
- (a) in sub-paragraph (ii) "24" shall be substituted for "26" and there shall be inserted after the word "Crown" the words "or as an instructor under paragraph 3 of Schedule 3";
  - (b) there shall be inserted after sub-paragraph (iii) the following—
    - "(iv) a statement that he has successfully completed not less than one term's service as an overseas trained teacher and the training proposed in the recommendation for an authorization; or"

7th May 1991

*Kenneth Clarke*  
Secretary of State for Education and Science

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make further amendments to the Education (Teachers) Regulations 1989, as amended by the Education (Teachers) (Amendment) (No. 2) Regulations 1989 and the Education (Teachers) (Amendment) Regulations 1990.

Regulation 13 has been amended and a new Schedule 4A inserted to provide for the grant of authorizations to teach to overseas trained teachers possessing certain academic and other qualifications. Overseas trained teachers may become qualified teachers after satisfactory completion of training and a minimum of one term's service by virtue of a new sub-paragraph (iv) inserted in Schedule 5 paragraph 2(2)(c).

The minimum age for licensed teachers has been reduced from 26 to 24. (Schedule 4 paragraph 5(1)(d)(i) and Schedule 5 paragraph 2(2)(c)(ii).)

Schedule 5 paragraph 2(2)(c)(ii) has further been amended so that service as an instructor under paragraph 3 of Schedule 3 may be taken into account for the purposes of a recommendation for qualified teacher status.