

2001 No. 3993

EDUCATION, ENGLAND

**General Teaching Council for England (Deduction of Fees)
Regulations 2001**

<i>Made</i> - - - -	<i>12th December 2001</i>
<i>Laid before Parliament</i>	<i>14th December 2001</i>
<i>Coming into force</i>	<i>10th January 2002</i>

In exercise of the powers conferred on the Secretary of State by sections 12 and 42(6) and (7) of the Teaching and Higher Education Act 1998(a), and after consulting the General Teaching Council for England in accordance with section 42(9) of that Act, the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the General Teaching Council for England (Deduction of Fees) Regulations 2001 and shall come into force on 10th January 2002.

(2) These Regulations shall only apply in relation to England.

Interpretation

2. In these Regulations—

“the 1988 Act” means the Education Reform Act 1988(b);

“the 1998 Act” means the Teaching and Higher Education Act 1998;

“the Council” means the General Teaching Council for England;

“employer”, in relation to a teacher, includes a local education authority, governing body or other person who engage (or make arrangements for the engagement of) that person to provide his services as a teacher otherwise than under a contract of employment, and “employed”, “employment” and any expressions relating to the termination of employment shall be construed accordingly;

“fee” means any fee payable by virtue of section 4(4) of the 1998 Act(c); and

“the Register” means the register of teachers which the Council established and maintains in accordance with section 3 of the 1998 Act.

Relevant teacher

3. A relevant teacher for the purposes of these Regulations is any teacher at a school who is—

(a) 1998 c.30. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these sections are exercisable by the Secretary of State only in relation to England. For the meaning of “prescribed” and “regulations” see section 43(1).

(b) 1988 c.40.

(c) The regulations currently in force under this provision are the General Teaching Council for England (Registration of Teachers) Regulations 2000 (S.I. 2000/2176). See regulation 9.

- (a) registered in the Register; or
- (b) required as a consequence of his employment to be so registered by virtue of section 218(1)(aa) of the 1988 Act^(a),

and has not paid the fee to the Council.

Deduction of fees from salary

4.—(1) Subject to this regulation, an employer shall deduct (or arrange for the deduction of) the fee from the salary of a relevant teacher employed by that employer.

(2) A deduction shall only be made after the Council has notified the employer to deduct (or arrange for the deduction of) the fee in respect of a relevant teacher.

(3) A deduction shall be made within one month of the notification under paragraph (2).

Remittance of fees

5.—(1) An employer shall remit to the Council any fee deducted under these Regulations by the 19th day of the month following the deduction.

(2) An employer shall notify the teacher in question of the deduction within one month of the deduction.

Supply of information

6.—(1) Subject to this regulation, where the Council has provided an employer with a list of teachers employed by that employer and who are registered in the Register or required as a consequence of their employment to be registered in the Register by virtue of section 218(1)(aa) of the 1988 Act such an employer shall:

- (a) where the employer has deducted (or arranged for the deduction of) a fee under regulation 4 in respect of a teacher on the list, notify the Council of the teacher's name, national insurance number, date of birth and the reference number assigned to him by the Department for Education and Skills;
- (b) where a teacher is employed by the employer and is registered in the Register or required as a consequence of his employment to be registered in the Register by virtue of section 218(1)(aa) of the 1988 Act but is not on the list, notify the Council of the details specified in the Schedule in respect of that teacher;
- (c) where a teacher on the list is no longer employed by the employer, notify the Council of the name of the teacher and the reference number assigned to him by the Department for Education and Skills; and
- (d) notify the Council of any other amendments to the list if it is inaccurate.

(2) An employer shall notify the Council of the matters in this Regulation within two months of the Council providing the list to the employer under paragraph (1).

Breach of time limits

7. Failure by any person to discharge any duty within a time limit specified in these Regulations shall not relieve him of that duty.

Stephen Timms
Minister of State,
Department for Education and Skills

12th December 2001

(a) Inserted by section 11 of the 1998 Act. The regulations currently in force under this provision are the Teachers (Compulsory Registration) (England) Regulations 2001 (S.I. 2001/1266).

SCHEDULE

Regulation 6

INFORMATION TO BE SUPPLIED TO THE COUNCIL

1. The name of the teacher.
2. The reference number assigned to the teacher by the Department for Education and Skills.
3. The teacher's home address or other contact address.
4. The name and address of, and the reference number assigned by the Department for Education and Skills to, the school at which the teacher is employed to teach.
5. The teacher's national insurance number.
6. The teacher's date of birth.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require employers of teachers to deduct fees payable to the General Teaching Council for England (“the Council”) from the salaries of teachers who have not paid the fee by other means.

These Regulations only apply to teachers at maintained schools or non-maintained special schools who are registered on the register of teachers maintained by the Council or are required to be so registered by the Teachers (Compulsory Registration) (England) Regulations 2001 (S.I. 2001/1266) (*regulation 3*).

A deduction may only be made once the employer has been notified by the Council that a fee is to be deducted from a relevant teacher (*regulation 4*). These Regulations also require employers to remit any fees deducted to the Council (*regulation 5*) and to provide information to the Council of teachers employed by them who are registered in the Register or required to be registered by the Teachers (Compulsory Registration) (England) Regulations 2001 (*regulation 6*).

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