
STATUTORY INSTRUMENTS

1998 No. 1759

Education (Northern Ireland) Order 1998

PART VI

TEACHERS

CHAPTER I

THE GENERAL TEACHING COUNCIL FOR NORTHERN IRELAND

The General Teaching Council for Northern Ireland

34.—(1) There shall be established a body to be known as the General Teaching Council for Northern Ireland (referred to in this Chapter as “the Council”).

(2) Schedule 1 shall have effect in relation to the Council.

(3) The functions of the Council under this Chapter shall be exercisable by the Council in relation to—

- (a) teachers in grant-aided schools; and
- (b) peripatetic teachers;

and references in this Chapter to “teachers” and “teaching” shall be construed accordingly.

Registration of teachers

35.—(1) The Council shall establish and maintain a register of teachers (“the register”).

(2) The register shall contain the name of every person who in accordance with regulations under Article 36—

- (a) is eligible for registration; and
- (b) applies to be registered.

(3) [^{F1}Subject to such exceptions as may be provided for by or under regulations,] An employing authority shall not employ a person as a teacher unless he is registered under this Article.

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Modifications etc. (not altering text)

C1 Art. 35 modified by S.R. 2004/38, reg. 3 (as substituted (21.12.2009) by Education (General Teaching Council for Northern Ireland) (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 (S.R. 2009/370), reg. 3(2))

Regulations as to registration

36.—(1) The Department may by regulations make provision as to—

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- (a) the eligibility of persons for registration;
 - (b) the form and manner in which the register is to be kept and other matters relating to registration.
- (2) Regulations under paragraph (1)(a) may in particular provide that a person shall not be eligible for registration unless he—
- (a) has such qualifications as may be approved by the Department; and
 - (b) complies with such requirements as may be imposed by or under the regulations in relation to—
 - (i) age;
 - (ii) health;
 - (iii) physical capacity; and
 - (iv) any other matter specified in the regulations.
- (3) Regulations under paragraph (1)(b) may in particular make provision as to—
- (a) the form and manner in which applications for registration are to be made;
 - (b) the documentary or other evidence which is to accompany applications for registration;
 - (c) the registration, on the establishment of the register, of persons who have not made such applications;
 - (d) the matters which are to be recorded in the register against the names of those registered in it;
 - (e) the charging by the Council of fees authorised by virtue of paragraph (4);
 - (f) the removal of entries from the register in circumstances where the persons concerned—
 - (i) have ceased to be eligible for registration;
 - (ii) have failed to pay any such fee; or
 - (iii) have in accordance with procedures specified in^[F2] or determined under] the regulations been found guilty of misconduct;
 or in such other circumstances as may be specified in the regulations;
 - (g) the restoration and alteration of entries;
 - (h) the issue and form of certificates of registration;
 - (i) the information contained in the register which may be made available for inspection by members of the public, and the circumstances in which and the conditions subject to which that information may be made available.
- (4) For the purposes of paragraph (3)(e) regulations under this Article may authorise the Council (subject to such exceptions as may be provided for by or under the regulations) to charge fees fixed by the Council with the approval of the Department in respect of —
- (a) applications for registration or for the restoration of entries to the register;
 - (b) registration in accordance with paragraph (3)(c); or
 - (c) the retention of entries in the register,

and the regulations may accordingly authorise the Council to refuse an application falling within sub-paragraph (a) until the appropriate fee has been paid.

^[F2](4A) The Council, in exercising any power to fix fees authorised by virtue of paragraph (4), shall have regard to the expenditure of the Council in exercising—

- (a) its functions under this Order relating to registration; and
- (b) all other functions conferred on it under this Order or any other statutory provision.]

(5) Regulations under this Article may authorise the Council to make provision in relation to any matter.

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Advisory functions of the Council

37.—(1) The Council shall advise—

- (a) the Department; and
- (b) employing authorities,

on such matters falling within paragraph (3) as the Council thinks fit.

(2) The Council shall also advise the Department—

- (a) on such matters falling within paragraph (3); or
- (b) on such other matters relating to teaching,

as the Department may from time to time require.

(3) The matters referred to in paragraphs (1) and (2) are—

- (a) any matter relating to teachers which is dealt with (or which could be dealt with) by regulations under Article 36;
- (b) the training, career development and performance management of teachers;
- (c) standards of teaching;
- (d) standards of conduct for teachers.

(4) The Council may publish advice given by it under this Article.

Additional and ancillary functions

38.—(1) The Department may by order confer or impose on the Council such additional functions as the Department considers the Council may appropriately discharge in conjunction with any of its other functions under this Chapter.

(2) Before making an order under paragraph (1), the Department shall consult the Council and such other bodies and persons as appear to the Department to be appropriate.

(3) An order under paragraph (1) may in particular require the Council to maintain records relating to such categories of persons (including persons not eligible to be registered under Article 35) as may be specified in the order; and the records shall contain such information relating to those persons and be kept in such manner as may be so specified.

(4) The Council shall carry out such ancillary activities as the Department may direct.

(5) For the purposes of paragraph (4) activities are ancillary activities in relation to the Council if the Department considers it is appropriate for the Council to carry out those activities for the purposes of or in connection with the carrying out by the Council of any of its other functions under this Chapter.

Deduction of fees from salary of teachers

39.—(1) The Department may make regulations requiring issuing authorities, or authorising the Department where it is the issuing authority—

- (a) to deduct from the salary of teachers any fee payable by virtue of Article 36 in respect of the registration of, or retention of an entry on the register relating to, any teacher; and

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- (b) to remit that fee to the Council.
- (2) The regulations may make provision with respect to—
 - (a) the arrangements to be adopted by issuing authorities for the deduction and remittance of fees; and
 - (b) the notification to the Council by issuing authorities of such particulars relating to teachers as the regulations may specify.
- (3) In this Article “issuing authority”, in relation to any teacher, means the body which in accordance with Article 71 is responsible for issuing payment of his salary.

Supply of information relating to teachers

40.—(1) The Department may supply the Council with such information as the Department considers it to be necessary or desirable for the Council to have for the purposes of its functions under this Chapter.

(2) The Council shall supply the Department with such information as it may reasonably require for the purposes of its functions under the Education Orders.

(3) The Department may by regulations require or authorise the Council to supply information—

- (a) to such other body or person; and
- (b) for such purposes and subject to such conditions,

as may be prescribed.

(4) Employing authorities shall supply the Council with such information as it may reasonably require for the purposes of its functions under this Chapter.

(5) This Article does not limit the circumstances in which information may be supplied apart from this Article.

Interpretation of this Chapter

41. In this Chapter—

“the Council” has the meaning assigned to it by Article 34(1);

“employing authority” means—

- (a) in relation to teachers employed in a controlled school, the board by which they are employed;
- (b) in relation to teachers employed in a Catholic maintained school, the Council for Catholic Maintained Schools;
- (c) in relation to teachers employed in any other voluntary school or in a grant-maintained integrated school, the Board of Governors of the school;
- (d) in relation to peripatetic teachers, the board by which they are employed;

“the register” has the meaning assigned by Article 35(1);

“teachers” and “teaching” shall be construed in accordance with Article 34(3).

CHAPTER II

EMPLOYMENT OF TEACHERS

Eligibility for employment as principal of grant-aided school

42.—(1) The Department may by regulations make provision as to the eligibility of persons to be employed as principals of grant-aided schools.

(2) Without prejudice to the generality of paragraph (1), regulations under that paragraph may include provision requiring persons employed as principals, subject to such exceptions as may be provided for by or under the regulations, to have a qualification approved by the Department for the purposes of this Article.

(3) Regulations under this Article shall apply to every person who is appointed as principal of a grant-aided school on or after the date on which the regulations come into operation, unless he has held such an appointment before that date.

(4) In this Article—

“principal”

(a) includes, in the case of a grammar school having a preparatory department, the teacher in charge of that department;

(b) does not include an acting principal;

“preparatory department” means that part of a grammar school in which primary education is provided.

Appointment of teachers

43.—(1) For Article 143 of the 1989 Order there shall be substituted—

“Employment of teachers by the Council

143.—(1) The Council may employ all such teachers as are required on the staff of Catholic maintained schools.

(2) The Council shall prepare, and may from time to time revise, a scheme providing for the procedures to be followed by—

(a) the Council;

(b) the diocesan education committee established under paragraph 3 of Schedule 8; and

(c) the Boards of Governors of Catholic maintained schools,

in relation to the appointment of teachers under paragraph (1).

(3) Before preparing a scheme under paragraph (2), the Council shall consult the Board of Governors of every Catholic maintained school.

(4) A scheme under paragraph (2) shall—

(a) require the Council to appoint a panel of assessors in relation to each diocesan education committee; and

(b) make provision for members of that panel to give advice and assistance to the diocesan education committee or the Board of Governors of a Catholic maintained school in relation to any functions of that committee or Board under the scheme.

(5) It shall be the duty of the bodies mentioned in paragraph (2) to give effect to a scheme for the time being in force under that paragraph.”.

(2) For Article 153 of the 1989 Order there shall be substituted—

“Appointment of teachers by a board

153.—(1) Each board shall prepare, and may from time to time revise, a scheme providing for the procedures to be followed in relation to the appointment by the board of—

(a) teachers to posts in controlled schools; and

(b) peripatetic teachers.

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(2) A scheme under paragraph (1) may provide for any specified functions of the board under the scheme to be performed by the teaching appointments committee of the board on behalf of, and in the name of, the board.

(3) Before preparing a scheme under paragraph (1), a board shall consult the Board of Governors of every controlled school managed by the board.

(4) It shall be the duty of the board to give effect to a scheme for the time being in force under paragraph (1).”

(3) Article 69(8) of the 1986 Order (terms and conditions of employment of certain teachers to be set out in an agreement in a form approved by the Department) shall cease to have effect.

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