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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 355**

**EDUCATION**

**The Requirements for Teachers (Scotland) Regulations 2005**

*Made* - - - - - *16th June 2005*  
*Laid before the Scottish*  
*Parliament* - - - - - *17th June 2005*  
*Coming into force* - - - *30th September 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 2, 73(c), 74(1) and 90(1) of the Education (Scotland) Act 1980(1) and section 59 of the Standards in Scotland's Schools etc. Act 2000(2) and all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Requirements for Teachers (Scotland) Regulations 2005 and shall come into force on 30th September 2005.

**Interpretation**

2. In these Regulations—

“the 1980 Act” means the Education (Scotland) Act 1980;

“the 2000 Act” means the Standards in Scotland's Schools etc Act 2000;

“employ” means to employ a person as a teacher under a contract of employment or to appoint a person as a teacher otherwise than under a contract of employment;

“hearing impaired” means deaf or partially deaf; and

“visually impaired” means blind or partially sighted.

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(1) 1980 c. 44; section 2 was amended by section 69 of the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39) and by schedule 6 of the Education (Scotland) Act 1996 (c. 43). Section 74(1) was amended by section 82(10) and by schedule 10 of the Self-Governing Schools etc. (Scotland) Act 1989. Section 135(1) of the Education (Scotland) Act 1980 contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) 2000 asp 6.

### **General requirements in relation to employment of teachers**

3. Every education authority shall employ adequate numbers of teachers in the schools under their management, with the appropriate professional skills and knowledge necessary to enable those teachers to undertake the teaching duties allocated to them.

### **Requirement to employ registered teachers**

4.—(1) Every education authority shall, in discharging their functions under section 1 of the 1980 Act and section 2(1) of the 2000 Act employ only a registered teacher (“registered teacher” having the meaning set out in paragraph (2) below) as a teacher.

(1) “Registered teacher” in these Regulations means a teacher whose particulars are recorded in the register maintained by the General Teaching Council for Scotland under section 6 of the Teaching Council (Scotland) Act 1965<sup>(3)</sup> and includes a teacher whose registration has been marked as suspended on the basis however that, for the duration of that teacher’s registration being marked as suspended, such a teacher may only be employed as a teacher—

- (a) by his or her existing employer, and
- (b) in his or her existing teaching post.

### **Requirement in the employment of teachers of hearing impaired pupils**

5. Without prejudice to regulations 3 and 4, where, in discharging their functions under section 1 of the 1980 Act and section 2(1) of the 2000 Act, an education authority employ a teacher wholly or mainly to teach hearing impaired pupils that teacher shall possess an appropriate qualification to teach such pupils.

### **Requirement in the employment of teachers of visually impaired pupils**

6. Without prejudice to regulations 3 and 4, where, in discharging their functions under section 1 of the 1980 Act and section 2(1) of the 2000 Act, an education authority employ a teacher wholly or mainly to teach visually impaired pupils that teacher shall possess an appropriate qualification to teach such pupils.

### **Requirement in the employment of teachers of both hearing and visually impaired pupils**

7. Without prejudice to regulations 3 and 4, where, in discharging their functions under section 1 of the 1980 Act and section 2(1) of the 2000 Act, an education authority employ a teacher wholly or mainly to teach pupils who are both hearing and visually impaired that teacher shall possess an appropriate qualification to teach such pupils.

### **Employment of teachers of hearing or visually impaired pupils who do not possess an appropriate qualification**

8. A teacher who does not possess a qualification as referred to in regulations 5, 6 or 7 may be employed by an education authority wholly or mainly to teach pupils who are hearing impaired, visually impaired or both hearing and visually impaired, if the education authority are satisfied that the teacher is in the process of obtaining a qualification as referred to in regulations 5, 6 or 7, provided that the aggregate period for which the teacher wholly or mainly teaches pupils who are hearing impaired, visually impaired or both hearing and visually impaired, does not exceed five years.

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(3) 1965 c. 19; section 6 was amended by the schedule of the Teaching Council (Scotland) Act 1971 (c. 2), schedule 10 of the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), schedule 9 of the Further and Higher Education (Scotland) Act 1992 (c. 37) and by section 60 and schedule 2, paragraph 1 of the Standards in Scotland’s Schools etc. Act 2000 (asp 6).

### **Existing qualifications for teaching hearing impaired or visually impaired pupils**

9. Any teacher, who immediately before 30th September 2005 possessed—
- (a) a special qualification to act as a teacher of deaf pupils for the purposes of regulation 7(1) of the Schools (Scotland) Code 1956(4) shall be treated as possessing a qualification as referred to in regulation 5 above; or
  - (b) a special qualification to act as a teacher of blind pupils or as a blind teacher of the blind for the purposes of regulation 7(2) of the Schools (Scotland) Code 1956(5) shall be treated as possessing a qualification as referred to in regulation 6 above.

### **Application of Regulations to Jordanhill School, Glasgow**

10. Regulations 3 and 4 shall apply to Jordanhill School, Glasgow, a company limited by guarantee and incorporated under the Companies Act 1985(6), as if for any reference to an education authority there were substituted a reference to Jordanhill School, Glasgow.

### **Amendment of the Jordanhill School Grant Regulations 1988**

11. The Jordanhill School Grant Regulations 1988(7) shall be amended as follows:—
- (a) in regulation 9, in lines 1 and 2, omit “the Schools (Scotland) Code 1956 and”; and
  - (b) in regulation 9(a) omit “in that Code and”.

### **Revocations**

12. The Regulations specified in column (1) of the Schedule are hereby revoked to the extent specified in column (3).

St Andrew’s House, Edinburgh  
16th June 2005

*EUAN MACFARLANE ROBSON*  
Authorised to sign on behalf of the Scottish  
Ministers

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(4) Regulation 7(1) was amended by S.I.1965/55 and 1967/1162.  
(5) Regulation 7(2) was amended by S.I. 1965/55 and 1967/1162.  
(6) 1985 c. 6.  
(7) S.I. 1988/328.

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

## SCHEDULE

Regulation 12

## REVOCATIONS

<i>Column (1)</i> <i>Regulations revoked</i>	<i>Column (2)</i> <i>Reference</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Schools (Scotland) Code 1956	1956/894	All
The Abolition of the Education (Scotland) Fund (Consequential Provisions) Regulations 1959	1959/476	Regulation 12
The Teachers (Education, Training and Certification) (Scotland) Regulations 1965	1965/55	Schedule 2, paragraphs 2–5
The Schools (Scotland) Code Amendment Regulations 1965	1965/940	All
The Teachers (Education, Training and Registration) (Scotland) Regulations 1967	1967/1162	Schedule 2 paragraphs 1–4
The Schools (Scotland) Code (Amendment No 1) Regulations 1968	1968/1055	All
The Schools (Scotland) Code (Amendment No 1) Regulations 1971	1971/1079	All
The Schools (Scotland) Code (Amendment No 1) Regulations 1972	1972/776	All
The Schools General (Scotland) Regulations 1975	1975/1135	Schedule 2 paragraphs 2–3
The Self-Governing Schools (Application and Amendment of Regulations)(Scotland) Regulations 1994	1994/351	Regulation 2

**EXPLANATORY NOTE**

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

These Regulations concern the requirements to be met by education authorities in employing teachers in the course of discharging their duty under section 1 of the Education (Scotland) Act 1980,

as amended, and section 2(1) of the Standards in Scotland 213 s Schools etc Act 2000. Section 1 of the 1980 Act requires education authorities to secure for their area adequate and efficient provision of school education. Section 2(1) of the 2000 Act requires education authorities where education is provided by them to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.

Regulation 3 requires education authorities to employ adequate numbers of teachers, with appropriate professional skills and knowledge.

Regulation 4 provides that only registered teachers may be employed as teachers by an education authority. It also makes provision in relation to such teachers whose registration has been marked as suspended.

Without prejudice to regulations 3 and 4, where an education authority employ a teacher wholly or mainly to teach pupils who are hearing impaired, visually impaired or both hearing and visually impaired, regulations 5, 6 and 7 require that teacher to possess an appropriate qualification to teach such pupils.

Regulation 8 gives an education authority the power to employ a teacher wholly or mainly to teach pupils who are hearing impaired, visually impaired or both hearing and visually impaired who does not hold the appropriate qualification, provided that the authority are satisfied that the teacher is in the process of obtaining the necessary qualification and the period of teaching without the qualification does not exceed 5 years in total.

Regulation 9 provides that those teachers who immediately before 30th September 2005 hold the specialist qualification required under regulation 7(1) and (2) of the Schools (Scotland) Code 1956 shall be treated as possessing the necessary qualification referred to in regulations 5 or 6, as the case may be.

Regulation 10 applies the general requirements relating to the employment of teachers found in regulations 3 and 4, to Jordanhill School, Glasgow.

Regulation 11 removes references in the grant regulations applicable to Jordanhill School to the Schools (Scotland) Code 1956.

The Schools (Scotland) Code 1956 as amended related to the organisation and management of schools. Incrementally repealed over the years, only a number of its regulations remained in force and which themselves became outdated. Regulation 12 and the Schedule revoke the Schools (Scotland) Code 1956 as amended.