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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Public Services Reform (General Teaching Council for Scotland) Order 2011**

**PART 1**

**INTRODUCTORY**

**Citation**

1. This Order may be cited as the Public Services Reform (General Teaching Council for Scotland) Order 2011.

**Commencement**

2.—(1) The following provisions of this Order come into force on 4th April 2011:—

- (a) articles 1, 2 and 3 (in so far as article 3 relates to the other provisions coming into force on that day); and
- (b) the provisions of this Order specified in column 1 of Schedule 1 and described by reference to the subject matter in column 2 of that Schedule but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day for that purpose only.

(2) All the provisions of this Order, in so far as not already in force on 2nd April 2012, come into force on that date.

(3) This article is subject to article 32 (transitional and savings provisions) and Schedule 5.

(4) Where a provision of this Order requires consultation to take place and, before that provision comes into force, consultation takes place which would have satisfied the requirements to any extent had the provision been in force, the requirement is to be taken to have been satisfied to that extent.

**Interpretation**

3. In this Order—

“the 1980 Act” means the Education (Scotland) Act 1980(1);

“the 1965 Act” means the Teaching Council (Scotland) Act 1965(2);

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- (1) [1980 c.44](#); section 135 (interpretation) of this Act is relevant to this Order; the relevant definitions have been amended by section 2(2) of the Registered Establishments (Scotland) Act [1987 \(c.40\)](#), section 82(1) and (2) of and Schedules 10 and 11 to the Self-Governing Schools etc. (Scotland) Act [1989 \(c.39\)](#) and section 62(2) and (3) of and Schedules 9 and 10 to the Further and Higher Education (Scotland) Act [1992 \(c.37\)](#).
  - (2) [1965 c.19](#); as amended by Schedules 2 and 3 to the Education (Scotland) Act [1969 \(c.49\)](#), Schedule 1 to the Teaching Council (Scotland) Act [1971 \(c.2\)](#), sections 289F and 289G of the Criminal Procedure (Scotland) Act [1975 \(c.21\)](#), Schedule 6 to the Local Government (Scotland) Act [1975 \(c.30\)](#), section 21 of and Schedule 7 to the Education (Scotland) Act [1981 \(c.58\)](#), section 82 of and Schedule 10 to the Self-Governing Schools etc. (Scotland) Act [1989 \(c.39\)](#), section 55 of and Schedule 9 to the Further and Higher Education (Scotland) Act [1992 \(c.37\)](#), section 16 of the Teaching and Higher Education Act [1998 \(c.30\)](#), sections 45 to 54 of and schedules 2 and 3 to the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), section 13 of the [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), schedule 3 to the [Education \(Additional Support for Learning\) \(Scotland\)](#)

“educational establishment” has the same meaning as in the 1980 Act;

“further education institution” means a body listed under the heading “Institutions formerly eligible for funding by the Scottish Further Education Funding Council” in schedule 2 to the Further and Higher Education (Scotland) Act 2005<sup>(3)</sup> and “further education teacher” is to be construed accordingly;

“the GTCS” has the meaning given by article 4;

“the GTCS rules” has the meaning given by article 15;

“recognised teaching qualification” is to be construed in accordance with articles 29 and 30;

“the register” means the register of teachers kept by the GTCS in accordance with this Order and “registered” and “registration” are to be construed accordingly;

“registration criteria” means the criteria for registration set out in the GTCS rules which are to be met by individuals seeking registration;

“school” has the same meaning as in the 1980 Act and “school teacher” is to be construed accordingly;

“teacher” means an individual who has either obtained a recognised teaching qualification, or who has satisfied the GTCS that they have adequate education, training or experience to warrant registration;

“unfit to teach” has the meaning given by article 18(3).

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Act 2004 (asp 4) and schedule 4 to the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14); also as amended by S.I. 1969/586, 1970/523, 1991/1997, 1997/207, 1999/1820, 2008/948 and S.S.I. 2009/386.  
(3) 2005 asp 6; schedule 2 to this Act has been relevantly amended by S.S.I. 2005/660, 2006/480, 2007/255 and 524 and 2008/241 and 412.