
 STATUTORY INSTRUMENTS

1986 No. 1353 (S. 111)

EDUCATION, SCOTLAND

The Teachers (Colleges of Education) (Scotland) Amendment Regulations 1986

Made - - - - - 22nd July 1986

Laid before Parliament 7th August 1986

Coming into Operation 1st September 1986

The Secretary of State, in exercise of the powers conferred on him by section 77(1), (2) and (4) of the Education (Scotland) Act 1980(a), section 5(1)(b) of the Teaching Council (Scotland) Act 1965(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:-

Citation and commencement

1. These regulations may be cited as the Teachers (Colleges of Education) (Scotland) Amendment Regulations 1986 and shall come into operation on 1st September 1986.

Interpretation

2. In these regulations “the principal regulations of 1967” means the Teachers (Colleges of Education) (Scotland) Regulations 1967(c); and “the regulations of 1981” means the Teachers Colleges of Education (Scotland) Regulations 1981(d).

Amendment of the principal regulations of 1967

3. Regulation 20 of the principal regulations of 1967 (appointment of staff) shall be amended as follows:-

(a) at the beginning of paragraph (1) there shall be inserted the words “Subject to the provisions of paragraphs (1A) to (1D) of this regulation”; and

(b) after paragraph (1) there shall be inserted the following paragraphs:-

“(1A) Subject to paragraphs (1B) to (1D) below -

(a) the governing body of a college of education shall not appoint any person to a teaching post in that college unless that person is a registered teacher; and

(b) if the person so appointed to such a post after the coming into operation of sub-paragraph (a) ceases to be a registered

(a) 1980 c.44.

(b) 1965 c.19.

(c) S.I. 1967/29; relevant amending instruments are S.I. 1969/1460, 1972/1891, 1975/640 and 1977/634.

(d) S.I. 1981/1017.

teacher, his appointment shall be terminated by the governing body.

(1B) Where a person who is not a registered teacher has been appointed to a teaching post prior to paragraph (1A) coming into operation, the provisions of paragraph (1A) shall not apply to that person.

(1C) Where a person who is not a registered teacher has been appointed to a teaching post prior to paragraph (1A) coming into operation, and thereafter becomes a registered teacher, his appointment to such a post shall be terminated by the governing body should he at any time cease to be a registered teacher.

(1D) In the event of the governing body of a college of education being unable to make an appointment to a teaching post in accordance with paragraph (1A), they may, with the approval of the General Teaching Council for Scotland, appoint a person to such a post who is not a registered teacher, but who, in their opinion, possesses sufficient qualifications and experience for the purposes of the instruction to be given in the post.

(1E) The governing body of a college of education shall intimate to the General Teaching Council for Scotland the name of any person appointed to a teaching post in the college being an appointment to which paragraph (1A) applies and the Council shall have the function of notifying, to the governing body of the college, the removal from the register kept by them in accordance with section 6 of the Teaching Council (Scotland) Act 1965 of any name so intimated to them.

(1F) In paragraphs (1A) to (1E) of this regulation -

“teaching post” means a post in a college of education being a post with responsibility for instruction of students; and for the purposes of this definition “student” means a person engaged in a course of training leading to a teaching qualification and includes a registered teacher engaged on a course of further training; and

“registered teacher” means -

- (a) a person registered other than provisionally in the categories of primary or secondary education by the General Teaching Council for Scotland under section 6 of the Teaching Council (Scotland) Act 1965; or
- (b) a person employed to teach lecturers from further education colleges if he is registered other than provisionally in the categories of primary, secondary or further education.

(1G) This regulation shall not apply to a person with specialist knowledge where he is to be employed only in imparting that specialist knowledge, such knowledge being other than the theory, methods or practice of teaching, and not in a subject in which it is possible to obtain a Teaching Qualification (Secondary Education) as defined by regulation 3 as read with regulation 4 of the Teachers (Education, Training and Registration) (Scotland) Regulations 1967(a).”

(a) S.I. 1967/1162.

Amendment of principal regulations of 1981

4. Regulation 16 of the principal regulations of 1981 (appointment of staff) shall be amended as follows:-

(a) at the beginning there shall be inserted the words “(1) Subject to the provisions of paragraphs (2) to (5) of this regulation”; and

(b) at the end there shall be added the following paragraphs:-

“(2) Subject to paragraphs (3) to (5) below -

(a) the governing body of the college of education shall not appoint any person to a teaching post in that college unless that person is a registered teacher; and

(b) if the person so appointed to such a post after the coming into operation of sub-paragraph (a) ceases to be a registered teacher, his appointment shall be terminated by the governing body.

(3) Where a person who is not a registered teacher has been appointed to a teaching post prior to paragraph (2) coming into operation, the provisions of paragraph (2) shall not apply to that person.

(4) Where a person who is not a registered teacher has been appointed to a teaching post prior to paragraph (2) coming into operation, and thereafter becomes a registered teacher, his appointment to such a post shall be terminated by the governing body should he at any time cease to be a registered teacher.

(5) In the event of the governing body of the college of education being unable to make an appointment to a teaching post in accordance with paragraph (2) they may, with the approval of the General Teaching Council for Scotland, appoint a person to such a post who is not a registered teacher, but who, in their opinion, possesses sufficient qualifications and experience for the purposes of the instruction to be given in the post.

(6) The governing body of the college of education shall intimate to the General Teaching Council for Scotland the name of any person appointed to a teaching post in the college being an appointment to which paragraph (2) applies and the Council shall have the function of notifying, to the governing body of the college, the removal from the register kept by them in accordance with section 6 of the Teaching Council (Scotland) Act 1965 of any name so intimated to them.

(7) In paragraphs (2) to (6) of this regulation -

“teaching post” means a post in the college of education, being, a post with responsibility for instruction of students; and for the purposes of this definition “student” means a person engaged in a course of training leading to a teaching qualification and includes a registered teacher engaged on a course of further training; and

“registered teacher” means a person registered other than provisionally in the categories of primary or secondary education by the General Teaching Council for Scotland under section 6 of the Teaching Council (Scotland) Act 1965.

(8) This regulation shall not apply to a person with specialist knowledge where he is to be employed only in imparting that specialist knowledge, such knowledge being other than the theory, methods or practice of teaching, and not in a subject in which it is possible to obtain a Teaching Qualification (Secondary Education) as defined by regulation 3 as read with regulation 4 of the Teachers (Education, Training and Registration) (Scotland) Regulations 1967.”.

J. Allan Stewart,
Parliamentary Under Secretary of State,
Scottish Office.

New St. Andrew's House,
Edinburgh.
22nd July 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Teachers (Colleges of Education) (Scotland) Regulations 1967 and the Teachers Colleges of Education (Scotland) Regulations 1981 by inserting a requirement that teaching staff of colleges of education appointed to teaching posts instructing students, who are persons engaged in a course of training leading to a teaching qualification (including a registered teacher engaged on a course of further training) shall be teachers registered under the Teaching Council (Scotland) Act 1965.

Provision is also made for exceptions to that general requirement with respect to appointments made prior to the coming into operation of these regulations and for persons employed only to impart specialist knowledge which is other than the theory, methods or practice of teaching and which is not in a subject in which it is possible to obtain a Teaching Qualification (Secondary Education).

These regulations also provide for notification of appointments to the General Teaching Council for Scotland and notification by them of removal of names of persons holding such appointments from the register kept by the Council under section 6 of the Teaching Council (Scotland) Act 1965.

SI 1986/1353
ISBN 0-11-067353-0

