
STATUTORY INSTRUMENTS

1995 No. 602

EDUCATION, ENGLAND AND WALES

The Education (Teachers) (Amendment) Regulations 1995

Made - - - - *6th March 1995*
Laid before Parliament *8th March 1995*
Coming into force - - *1st April 1995*

In exercise of the powers conferred by sections 218(1)(a), (2), (2A), (2B) and (3) and 232(5) and (6) of the Education Reform Act 1988(1) and paragraph 3 of Schedule 18 to the Education Act 1993(2), the Secretary of State hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Teachers) (Amendment) Regulations 1995 and shall come into force on 1st April 1995.

(2) Any reference in these Regulations to the principal Regulations is a reference to the Education (Teachers) Regulations 1993(3).

Amendment of the principal Regulations

2. The following amendments shall be made to regulation 3 of the principal Regulations (schools and institutions to which the principal Regulations apply and interpretation)—

(a) in paragraph (1) there shall be inserted new sub-paragraphs as follows—

“(aa) a reference to a special school not maintained by a local education authority includes a grant-maintained special school;

(aaa) a reference to a grant-maintained school includes a school conducted by an education association(4) and a reference to a governing body includes an education association;”;

(b) in paragraph (2)—

(1) 1988 c. 40. Section 218(2A) was inserted by section 14(1) of the Education Act 1994 (c. 30). See section 114(1) of the Education Act 1944 (c. 31) for the definition of “prescribed”. Section 218 (2B) was inserted as section 218(2A) by section 291 of the Education Act 1993 (c. 35) and amended and re-numbered (2B) by paragraph 8(4) of Schedule 2 to the Education Act 1994. Sections 218(3) and 232(6) were amended by sections 14(3) and (4) respectively of the Education Act 1994.

(2) 1993 c. 35; see section 305(1) for the definition of “regulations”.

(3) S.I. 1993/543; amended by S.I. 1993/1969, 1994/222 and section 14(2) of the Education Act 1994 and modified by S.I. 1994/2103.

(4) See sections 221(4) and 218(7)(a) of the Education Act 1993.

- (i) in the definition of “authorisation”, after “Secretary of State” there shall be inserted “or the Teacher Training Agency⁽⁵⁾”;
- (ii) in the definition of “licence”, after “Secretary of State” there shall be inserted “or the Teacher Training Agency”;
- (iii) after the definition of “overseas trained teacher” there shall be inserted the following definition—
 - ““pupil referral unit” means a school such as is described in section 298(2) of the Education Act 1993;”;
- (iv) for the definition of “recommending body” there shall be substituted—
 - ““recommending body” has the meaning assigned thereto by regulation 3A;”;
- (v) in the definition of “registration”⁽⁶⁾, after “Secretary of State” there shall be inserted “or the Teacher Training Agency”.

3. After regulation 3 of the principal Regulations there shall be inserted the following regulation—

“3A.—(1) In these Regulations “recommending body” means—

- (a) subject to sub-paragraph (b)—
 - (i) where the person named in the recommendation is employed or is to be employed at a single school, except a pupil referral unit, the governing body of that school, or
 - (ii) where the person named in the recommendation is employed or is to be employed wholly or mainly at a pupil referral unit, the maintaining local education authority; or
- (b) in relation to a recommending body in England where the licence or authorisation was granted before 1st April 1995 and in relation to a recommending body in Wales—
 - (i) subject to (iii) below, where the person named in the recommendation is employed or is to be employed at a school maintained by a local education authority, except a pupil referral unit, which has a delegated budget, a special school not so maintained or a grant-maintained school, the governing body of that school;
 - (ii) subject to (iii) below, where the person named in the recommendation is employed or is to be employed at a school maintained by a local education authority which does not have a delegated budget, or at a pupil referral unit, that maintaining local education authority; or
 - (iii) where the person named in the recommendation is employed or is to be employed at more than one school maintained by the same local education authority, that maintaining local education authority,

and any reference to a school which has a delegated budget shall be construed in accordance with section 33(6)(b) of the Education Reform Act 1988.

(2) References in these Regulations to a recommending body in England and Wales are to a local education authority or the governing body of a school in England or, as the case may be, in Wales.”.

(5) The Teacher Training Agency was established under section 1 of the Education Act 1994.

(6) Inserted by S.I. 1994/222.

4.—(1) For Parts II and III of Schedule 2 to the principal Regulations there shall be substituted the new Parts II and III set out in Schedule 1 to these Regulations.

(2) For Schedule 3 to the principal Regulations there shall be substituted the new Schedule 3 set out in Schedule 2 to these Regulations.

Transitional provisions

5.—(1) The substitution of new Parts II and III of Schedule 2 to the principal Regulations by regulation 4(1) above shall not relieve a recommending body of any obligation to report certain facts to the Secretary of State under paragraph 11 or 19 of the said Schedule in the form in which they existed before these Regulations came into force.

(2) The substitution of a new Part II in Schedule 3 to the principal Regulations by regulation 4(2) above shall not—

- (a) affect any registration by the Secretary of State in accordance with the said Part II in the form in which it existed before these Regulations came into force, other than as specified in that Part as so substituted; and
- (b) relieve a person carrying on a city college, as defined in the principal Regulations, of any obligation to report certain facts to the Secretary of State under paragraph 8 of the said Schedule 3 in the form in which it existed before these Regulations came into force.

Amendment and revocation

6.—(1) The Education (Teachers) (Amendment) Regulations 1994(7) shall be amended by the revocation of regulation 4.

(2) The Education (Pupil Referral Units) (Application of Enactments) Regulations 1994(8) shall be amended by the revocation of—

- (a) paragraph 6(1) in Part II of Schedule 1; and
- (b) the words “and 4 to 11” in paragraph 4 of Schedule 2.

(7) S.I. 1994/222.

(8) S.I. 1994/2103.

SCHEDULE 1

Regulation 4(1)

“PART II
LICENSED TEACHERS

4.—(1) This paragraph shall apply to a person who is not a qualified teacher, but who has been granted a licence to teach in accordance with this Part of this Schedule (whether on, before or after 1st April 1995).

(2) Subject to the provisions of this Part of this Schedule, such a person may be employed as a teacher at a school, except a nursery school or a pupil referral unit.

5.—(1) Paragraphs 6 to 12 apply in respect of a licence granted after 31st March 1995 on the recommendation of a recommending body in England.

(2) Paragraphs 13 to 19 apply in respect of a licence granted on the recommendation of a recommending body in Wales.

(3) Paragraphs 17 to 19 apply in respect of a licence granted before 1st April 1995 on the recommendation of a recommending body in England.

PROVISIONS APPLYING IN RESPECT OF A LICENCE GRANTED AFTER 31ST MARCH 1995 ON THE RECOMMENDATION OF A RECOMMENDING BODY IN ENGLAND

6. On the recommendation of the recommending body, the Teacher Training Agency may grant a licence to the person named in that recommendation.

7. A recommendation for a licence shall contain such particulars as the Teacher Training Agency may determine.

8.—(1) Without prejudice to the generality of paragraph 7, a recommendation shall include the matters set out in sub-paragraphs (2) to (4) below.

(2) It shall include a statement by the recommending body that the person named in the recommendation—

- (a) is in their opinion a suitable person to be a teacher at a school;
- (b) has attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education;
- (c) has successfully completed—
 - (i) not less than two years' full-time higher education in England or Wales, or
 - (ii) comparable education either full-time or part-time whether in England or Wales or elsewhere; and
- (d)
 - (i) will have attained the age of 24 years by the date on which it is proposed he shall take up employment as a licensed teacher, or
 - (ii) is recognised as a trained teacher by the competent authority in any country outside the United Kingdom.

(3) It shall include particulars of the training that is proposed to be given to the licensed teacher.

(4) It shall include particulars of the post in which the licensed teacher is to be employed including—

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- (a) the name of the school at which he is to be employed (which may not, in accordance with paragraph 4(2), be a nursery school or a pupil referral unit);
- (b) the age range of the pupils he is to teach;
- (c) any subjects in which he is to specialise; and
- (d) a statement as to whether the teacher is to be employed full-time or part-time and in the latter case his normal working hours.

9. When the recommending body have submitted a recommendation to the Teacher Training Agency, the person named in that recommendation may be provisionally employed as a licensed teacher in the post of which particulars are given in the recommendation until 14 days after the Teacher Training Agency have notified the recommending body of their decision whether or not to grant the licence.

10.—(1) Subject to sub-paragraph (2), a licence shall remain in force—

- (a) in the case of a first licence for a full-time post, for two years from the date of its commencement; or
- (b) in the case of a first licence for a part-time post or a subsequent licence (whether for a full-time or part-time post) for such period as may be specified in the licence.

(2) A licence shall lapse if the licensed teacher ceases to be employed in the post of which particulars are given in the licence.

(3) For the purpose of this paragraph “date of commencement” means the date specified in the licence as its date of commencement.

11. The recommending body shall cause the licensed teacher to receive during the period of the licence the training, particulars of which were given in pursuance of paragraph 8(3).

12. Without prejudice to regulation 11, in any case where a licence lapses by virtue of paragraph 10(2) the recommending body shall report the facts of the case to the Teacher Training Agency.

PROVISIONS APPLYING IN RESPECT OF A LICENCE GRANTED ON THE RECOMMENDATION OF A RECOMMENDING BODY IN WALES

13.—(1) On the recommendation of the recommending body, acting, in the case of a school which has a delegated budget, with the consent of the local education authority, the Secretary of State may grant a licence to the person named in that recommendation.

(2) Where the local education authority refuses to give its consent it shall notify the recommending body of its reasons in writing and shall report the facts of the case to the Secretary of State.

14. A recommendation for a licence shall contain such particulars as the Secretary of State may determine.

15.—(1) Without prejudice to the generality of paragraph 14, a recommendation shall include the matters set out in sub-paragraphs (2) to (5) below.

(2) It shall include a statement by the recommending body that the person named in the recommendation—

- (a) is in their opinion a suitable person to be a teacher at a school;
- (b) has attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education;
- (c) has successfully completed—

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- (i) not less than two years' full-time higher education in England or Wales, or
 - (ii) comparable education either full-time or part-time whether in England or Wales or elsewhere; and
- (d) (i) will have attained the age of 24 years by the date on which it is proposed he shall take up employment as a licensed teacher, or
- (ii) is recognised as a trained teacher by the competent authority in any country outside the United Kingdom.

(3) It shall include particulars of the training that is proposed to be given to the licensed teacher.

(4) It shall include a statement either that the recommending body consider that the teacher may be employed at more than one school maintained by the same local education authority without the licence lapsing under paragraph 17(2) or that the recommending body do not so consider.

(5) It shall include particulars of the post in which the licensed teacher is to be employed or, where he may be employed at more than one school maintained by the same local education authority, particulars of his first post or of the posts between which his time will initially be divided, including—

- (a) the name of the school or schools at which he is to be employed (which may not, in accordance with paragraph 4(2), include a nursery school or a pupil referral unit);
- (b) the age range of the pupils he is to teach;
- (c) any subjects in which he is to specialise; and
- (d) a statement as to whether the teacher is to be employed full-time or part-time and in the latter case his normal working hours.

16. When the recommending body have submitted a recommendation to the Secretary of State, the person named in that recommendation may be provisionally employed as a licensed teacher in the post or posts of which particulars are given in the recommendation until 14 days after the Secretary of State has notified the recommending body of his decision whether or not to grant the licence.

PROVISIONS APPLYING IN RESPECT OF A LICENCE GRANTED ON THE RECOMMENDATION OF A RECOMMENDING BODY IN ENGLAND BEFORE 1ST APRIL 1995 OR OF A RECOMMENDING BODY IN WALES

17.—(1) Subject to sub-paragraph (2), a licence shall remain in force—

- (a) in the case of a first licence for a full-time post, for two years from the date of its commencement; or
- (b) in the case of a first licence for a part-time post or a subsequent licence (whether for a full-time or part-time post) for such period as may be specified in the licence.

(2) A licence shall lapse—

- (a) in the case of a licensed teacher who has successfully completed a course of at least three years' duration of initial training for teachers in schools at an educational establishment outside England and Wales and who has been employed for not less than one year as a teacher in a school, independent school (including a city college), institution or university or other educational establishment either in England or Wales or elsewhere and who was not dismissed on grounds other than redundancy, if that teacher ceases to be employed by the local education authority which was

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the recommending body or with whose consent the recommending body acted in making the recommendation to the Secretary of State; or

- (b) in any other case, if the licensed teacher ceases to be employed in the post of which particulars are given in the licence or, in the case of a person who may be employed at more than one school maintained by the same local education authority, ceases to be employed by that local education authority.

(3) For the purpose of this paragraph “date of commencement” means the date specified in the licence as its date of commencement.

18. The recommending body and, in the case of a school which has a delegated budget, the local education authority shall cause the licensed teacher to receive during the period of the licence the training, particulars of which were given in the recommendation.

19. Without prejudice to regulation 11, in any case where a licence lapses by virtue of paragraph 17(2) the recommending body shall report the facts of the case to the Secretary of State unless they have reported the facts of the case to him in pursuance of the duty imposed by regulation 11.

PART III

OVERSEAS TRAINED TEACHERS

20.—(1) This paragraph shall apply to a person who is not a qualified teacher but who has been granted an authorisation to teach in accordance with this Part of this Schedule (whether on, before or after 1st April 1995).

(2) Subject to the provisions of this Part of this Schedule, such a person may be employed as a teacher at a school except a nursery school.

21.—(1) Paragraphs 22 to 28 apply in respect of an authorisation granted after 31st March 1995 on the recommendation of a recommending body in England.

(2) Paragraphs 29 to 35 apply in respect of an authorisation granted on the recommendation of a recommending body in Wales.

(3) Paragraphs 33 to 35 apply in respect of an authorisation granted before 1st April 1995 on the recommendation of a recommending body in England.

PROVISIONS APPLYING IN RESPECT OF AN AUTHORISATION GRANTED AFTER 31ST MARCH 1995 ON THE RECOMMENDATION OF A RECOMMENDING BODY IN ENGLAND

22. On the recommendation of the recommending body, the Teacher Training Agency may grant an authorisation to the person named in that recommendation.

23. A recommendation for an authorisation shall contain such particulars as the Teacher Training Agency may determine.

24.—(1) Without prejudice to the generality of paragraph 23, a recommendation shall include the matters set out in sub-paragraphs (2) to (4) below.

(2) It shall include a statement by the recommending body that the person named in the recommendation—

- (a) is in their opinion a suitable person to be a teacher at a school;

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- (b) has attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education;
 - (c) has successfully completed either—
 - (i) a first degree course in education at a university or equivalent educational institution outside England and Wales, or
 - (ii) a first degree course at a university or equivalent educational institution in England or Wales or elsewhere, and a post-graduate course of initial training for teachers in schools at a university or equivalent educational institution outside England and Wales (whether or not the same institution); and
 - (d) has been employed for not less than one year as a teacher or lecturer in a school, independent school (including a city college), institution or university or other educational establishment either in England or Wales or elsewhere and was not dismissed on grounds other than redundancy.
- (3) It shall include particulars of the training that is proposed to be given to the overseas trained teacher.
- (4) It shall include particulars of the post in which the overseas trained teacher is to be employed or, where the recommending body is a local education authority and the overseas trained teacher is to be employed mainly in a pupil referral unit and also at one or more other schools maintained by them, particulars of his first post or of the posts between which his time will initially be divided, including—
- (a) the name of the school or schools at which he is to be employed (which may not, in accordance with paragraph 20(2), include a nursery school);
 - (b) the age range of the pupils he is to teach;
 - (c) any subject in which he is to specialise; and
 - (d) a statement as to whether the teacher is to be employed full-time or part-time and in the latter case his normal working hours.
- 25.** When the recommending body have submitted a recommendation to the Teacher Training Agency, the person named in that recommendation may be provisionally employed as an overseas trained teacher in the post or posts of which particulars are given in the recommendation until 14 days after the Teacher Training Agency have notified the recommending body of their decision whether or not to grant the authorisation.
- 26.—**(1) Subject to sub-paragraph (2), an authorisation shall remain in force—
- (a) in the case of a first authorisation for a full-time post, for two years from the date of its commencement; or
 - (b) in the case of a first authorisation for a part-time post or a subsequent authorisation (whether for a full-time or part-time post), for such period as may be specified in the authorisation.
- (2) An authorisation shall lapse—
- (a) where the recommending body was a governing body, if the overseas trained teacher ceases to be employed in the post of which particulars are given in the authorisation; or
 - (b) where the recommending body was a local education authority, if the overseas trained teacher ceases to be employed wholly or mainly in a pupil referral unit maintained by that local education authority.
- (3) For the purpose of this paragraph “date of commencement” means the date specified in the authorisation as its date of commencement.

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27. The recommending body shall cause the overseas trained teacher to receive during the period of the authorisation the training, particulars of which were given in pursuance of paragraph 24(3).

28. Without prejudice to regulation 11, in any case where an authorisation lapses by virtue of paragraph 26(2) the recommending body shall report the facts of the case to the Teacher Training Agency.

PROVISIONS APPLYING IN RESPECT OF AN AUTHORISATION GRANTED ON THE RECOMMENDATION OF A RECOMMENDING BODY IN WALES

29.—(1) On the recommendation of the recommending body, acting in the case of a school which has a delegated budget with the consent of the local education authority, the Secretary of State may grant an authorisation to the person named in that recommendation.

(2) Where the local education authority refuses to give its consent it shall notify the recommending body of its reasons in writing and shall report the facts of the case to the Secretary of State.

30. A recommendation for an authorisation shall contain such particulars as the Secretary of State may determine.

31.—(1) Without prejudice to the generality of paragraph 30, a recommendation shall include the matters set out in sub-paragraphs (2) to (4) below.

(2) It shall include a statement by the recommending body that the person named in the recommendation—

- (a) is in their opinion a suitable person to be a teacher at a school;
- (b) has attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education;
- (c) has successfully completed either—
 - (i) a first degree course in education at a university or equivalent educational institution outside England and Wales, or
 - (ii) a first degree course at a university or equivalent educational institution in England or Wales or elsewhere, and a post-graduate course of initial training for teachers in schools at a university or equivalent educational institution outside England and Wales (whether or not the same institution); and
- (d) has been employed for not less than one year as a teacher or lecturer in a school, independent school (including a city college), institution or university or other educational establishment either in England or Wales or elsewhere and was not dismissed on grounds other than redundancy.

(3) It shall include particulars of the training that is proposed to be given to the overseas trained teacher.

(4) It shall include particulars of the post in which the overseas trained teacher is to be employed or, where the recommending body is a local education authority or is acting with the consent of a local education authority, particulars of his first post or of the posts between which his time will initially be divided, including—

- (a) the name of the school or schools at which he is to be employed (which may not, in accordance with paragraph 20(2), include a nursery school);
- (b) the age range of the pupils he is to teach;
- (c) any subject in which he is to specialise; and

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- (d) a statement as to whether the teacher is to be employed full-time or part-time and in the latter case his normal working hours.

32. When the recommending body have submitted a recommendation to the Secretary of State, the person named in that recommendation may be provisionally employed as an overseas trained teacher in the post or posts of which particulars are given in the recommendation until 14 days after the Secretary of State has notified the recommending body of his decision whether or not to grant the authorisation.

PROVISIONS APPLYING IN RESPECT OF AN AUTHORISATION GRANTED ON THE RECOMMENDATION OF A RECOMMENDING BODY IN ENGLAND BEFORE 1ST APRIL 1995 OR OF A RECOMMENDING BODY IN WALES

33.—(1) Subject to sub-paragraph (2), an authorisation shall remain in force—

- (a) in the case of a first authorisation for a full-time post, for two years from the date of its commencement; or
- (b) in the case of a first authorisation for a part-time post or a subsequent authorisation (whether for a full-time or part-time post), for such period as may be specified in the authorisation.

(2) An authorisation shall lapse—

- (a) if the overseas trained teacher ceases to be employed by the local education authority which was the recommending body or with whose consent the recommending body acted in making the recommendation to the Secretary of State; or
- (b) where the recommending body was the governing body of a grant-maintained school or a special school not maintained by a local education authority, if that teacher ceases to be employed in the post of which particulars are given in the authorisation.

(3) For the purpose of this paragraph “date of commencement” means the date specified in the authorisation as its date of commencement.

34. The recommending body and, in the case of a school which has a delegated budget, the local education authority shall cause the overseas trained teacher to receive during the period of the authorisation the training, particulars of which were given in the recommendation.

35. Without prejudice to regulation 11, in any case where an authorisation lapses by virtue of paragraph 33(2) the recommending body shall report the facts of the case to the Secretary of State unless they have reported the facts of the case to him in pursuance of the duty imposed by regulation 11.”

SCHEDULE 2

Regulation 4(2)

“SCHEDULE 3

Regulations 3(2) and 13

QUALIFIED TEACHERS AND TRANSITIONAL
PROVISIONS RELATING TO QUALIFIED TEACHERS

PART I

GENERAL

1.—(1) A person shall be a qualified teacher for the purposes of regulation 13 (but subject to regulations 14 to 16)—

- (a) if he was qualified to be employed as a teacher on 31st March 1993 by virtue of Schedule 5 to the 1989 Regulations; or
- (b) if, the Secretary of State being satisfied on or after 1st April 1993 that he is a person mentioned in paragraph 2 and, if he is a person mentioned in paragraph 2(7), (8) or (9), that the statement submitted by the recommending body, the States of Guernsey Education Council or the person carrying on the city college (as the case may be) is correct, he has received written notification from the Secretary of State that he is a qualified teacher,

and in the case of a person receiving written notification under (b) the person shall, subject to subparagraphs (2) and (3), be qualified from such date as the Secretary of State may provide in the notification.

(2) The Secretary of State may provide for a person mentioned in paragraph 2 to be a qualified teacher from a date not more than one year prior to the date of notification to the extent that that is appropriate having regard to all the circumstances of the case.

(3) In the case of a person mentioned in paragraph 2(7), (8) or (9), the Secretary of State shall not provide for the person to be a qualified teacher from a date prior to the date on which he completed the period of service as a licensed teacher, overseas trained teacher or registered teacher (as the case may be) specified in the statement of the recommending body, the States of Guernsey Education Council or the person carrying on the city college (as the case may be).

(4) Notwithstanding the provisions of paragraphs 10(2), 17(2), 26(2) and 33(2) of Schedule 2, where the school or any of the schools in which a licensed teacher or overseas trained teacher has been employed has changed its status to another type of school or institution during the period of the licence or authorisation, then for the purpose of paragraph 2(7)—

- (a) service in the same post or in the employment of the same local education authority shall constitute service as a licensed teacher or overseas trained teacher; and
- (b) any successor to the recommending body on whose recommendation the Secretary of State or the Teacher Training Agency granted the licence or authorisation may act as the recommending body.

2.—(1) The person has successfully completed a course at a school, city college, institution or university in England or Wales which—

- (a) is either—
 - (i) for the degree of Bachelor of Education, a certificate in Education, a post-graduate certificate in Education or a comparable qualification awarded by a university in England or Wales, or
 - (ii) a post-graduate course of teacher training at a school or city college;

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- (b) may only be followed by those who have attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education; and
- (c) was approved at the time when the person completed it as a course for the initial training of teachers in schools.

(2) The person—

- (a) holds a degree or equivalent qualification granted by a United Kingdom institution or an equivalent degree or other qualification granted by a foreign institution; and
- (b) has successfully completed a course of initial training for teachers in schools at an accredited institution in England or Wales.

For the purposes of this sub-paragraph—

- (i) a “United Kingdom institution” means an institution established in the United Kingdom, other than one which is, or is affiliated to or forms part of, an institution whose principal establishment is outside the United Kingdom, and includes the Council for National Academic Awards⁽⁹⁾,
- (ii) a “foreign institution” means any institution other than a United Kingdom institution, and
- (iii) an “accredited institution” means an institution accredited by the Teacher Training Agency or, in Wales, by the Higher Education Funding Council for Wales as a provider of courses satisfying such criteria as may from time to time be specified by the Secretary of State.

(3) The person has successfully completed a course of initial training for teachers in schools at an educational institution in Scotland or Northern Ireland.

(4) The person is registered as a teacher of primary or secondary education with the General Teaching Council for Scotland.

(5) The person has been awarded confirmation of recognition as a teacher in schools in Northern Ireland by the Department of Education, Northern Ireland Office, that confirmation not having been subsequently withdrawn.

(6) The person is a person who, as respects the profession of school teacher, falls within Article 3 of Council Directive 89/48 EEC⁽¹⁰⁾ on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, as extended by the Agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽¹¹⁾ as adjusted by the Protocol signed at Brussels on 17th March 1993⁽¹²⁾.

- (a) (7) Where the person has been granted a licence or authorisation after 31st March 1995 on the recommendation of a governing body in England, the recommending body has submitted to the Secretary of State a recommendation that the person should be awarded qualified teacher status and has submitted one of the statements described in sub-sub-paragraph (c).
- (b) Where the person has been granted a licence or authorisation on the recommendation of a recommending body in Wales or before 1st April 1995 on the recommendation of a recommending body in England and the recommending body, acting in the case of a school which has a delegated budget with the consent of the local education authority, has submitted to the Secretary of State a recommendation that the person should be awarded qualified teacher status (where the local education authority refuses to give its consent it shall notify the recommending body of its reasons in writing and shall report the facts of

⁽⁹⁾ The Council for National Academic Awards was dissolved by S.I. 1993/924 on 20th April 1993.

⁽¹⁰⁾ OJNo. L19, 24.1.89, p.16.

⁽¹¹⁾ Cm. 2073.

⁽¹²⁾ Cm. 2183.

the case to the Secretary of State) and has submitted one of the statements described in sub-paragraph (c).

- (c) The statements are—
- (i) a statement that he has successfully completed two school years' full-time service or the period of part-time service specified in the licence as a licensed teacher and the training proposed in the recommendation for a licence;
 - (ii) a statement that he has successfully completed not less than one school year's service as a licensed teacher and the training proposed in the recommendation for a licence and that before the date of commencement of the licence he had attained the age of 24 years and had been employed for not less than two years as a teacher or lecturer at an independent school (including a city college), or an institution or a university in the United Kingdom or as an Instructor or Education Officer in the Armed Forces of the Crown or as an instructor under paragraph 3 of Schedule 3 to the 1989 Regulations or paragraph 3 of Schedule 2 and was not dismissed on grounds other than redundancy;
 - (iii) a statement that he has successfully completed not less than one school term's service as a licensed teacher and the training proposed in the recommendation for a licence and that before the date of commencement of the licence he had successfully completed either—
 - a course of at least three years' duration of initial training for teachers in schools at an educational institution outside England and Wales; or
 - a first degree course and a post-graduate course of initial teacher training for teachers in schools at such an institution (whether or not the same institution);and that he had been employed for not less than one year as a teacher or lecturer in a school, independent school (including a city college), institution or university or other educational establishment either in England or Wales or elsewhere and was not dismissed on grounds other than redundancy; or
 - (iv) a statement that the person has successfully completed not less than one school term's service as an overseas trained teacher and the training proposed in the recommendation for an authorisation.
- (8) The States of Guernsey Education Council has submitted to the Secretary of State a recommendation that the person should be awarded qualified teacher status and—
- (a) a statement that he has successfully completed two school years' full-time service or the equivalent period of part-time service as a teacher licensed by the States of Guernsey Education Council and the training specified in the licence;
 - (b) a statement that he has successfully completed not less than one school year's service as a teacher licensed by the States of Guernsey Education Council and the training specified in the licence and that before the date of commencement of the licence he had attained the age of 24 years and had been employed for not less than two years as a teacher or lecturer at an independent school (including a city college), or an institution or a university in the United Kingdom or as an Instructor or Education Officer in the Armed Forces of the Crown or as an instructor under paragraph 3 of Schedule 3 to the 1989 Regulations or paragraph 3 of Schedule 2 and was not dismissed on grounds other than redundancy; or
 - (c) a statement that he has successfully completed not less than one school term's service as a licensed teacher and the training proposed in the recommendation for a licence; and that before the date of commencement of the licence he had successfully completed either—
 - (i) a course of at least three years' duration of initial training for teachers in schools at an educational institution outside England and Wales; or

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(ii) a first degree course and a post–graduate course of initial teacher training for teachers in schools at such an institution (whether or not the same institution); and

that he had been employed for not less than one year as a teacher or lecturer in a school, independent school (including a city college), institution or university or other educational establishment either in England or Wales or elsewhere and was not dismissed on grounds other than redundancy.

(9) The person carrying on a city college has submitted to the Secretary of State a recommendation that the person should be awarded qualified teacher status and—

(a) a statement that he has successfully completed two school years' full–time service as a registered teacher, or the period of part–time service specified by the Secretary of State or the Teacher Training Agency at the time of registration, and the training proposed in the recommendation for registration;

(b) a statement that he has successfully completed not less than one school year's service as a registered teacher and the training proposed in the recommendation for registration and that before the date of registration he had attained the age of 24 years and had been employed for not less than two years as a teacher or lecturer at a city college or another independent school or an institution or a university in the United Kingdom or as an Instructor or Education Officer in the Armed Forces of the Crown or as an instructor under paragraph 3 of Schedule 3 to the 1989 Regulations or paragraph 3 of Schedule 2 and was not dismissed on grounds other than redundancy; or

(c) a statement that he has successfully completed not less than one school term's service as a registered teacher and the training proposed in the recommendation for registration and that before the date of registration he has successfully completed either—

(i) a course of at least three years' duration of initial training for teachers in schools at an educational institution outside England and Wales; or

(ii) a first degree course and a post–graduate course of initial teacher training for teachers in schools at such an institution (whether or not the same institution); and

that he had been employed for not less than one year as a teacher or lecturer in a school, city college or another independent school, or an institution or university or other educational establishment either in England or Wales or elsewhere and was not dismissed on grounds other than redundancy.

PART II

REGISTERED TEACHERS

3. On the recommendation of a person carrying on a city college the Teacher Training Agency may register the person named in that recommendation as a registered teacher, and shall notify the person carrying on the city college of their decision whether or not to register the person named in the recommendation.

4.—(1) A recommendation for registration shall in particular include the matters set out in subparagraphs (2) to (4) below.

(2) It shall include a statement by the person carrying on the city college that the person named in the recommendation—

(a) is in the opinion of the person making the statement a suitable person to be a teacher at a school;

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- (b) has attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education;
 - (c) has successfully completed—
 - (i) not less than two years' full-time higher education in England or Wales, or
 - (ii) comparable education either full-time or part-time whether in England or Wales or elsewhere; and
 - (d) (i) will have attained the age of 24 years by the date on which it is proposed he shall become a registered teacher, or
 - (ii) is recognised as a trained teacher by the competent authority in any country outside the United Kingdom;
- (3) It shall include particulars of the training proposed to be given to the registered teacher.
- (4) It shall include particulars of the post in which the registered teacher is to be employed, including—
- (a) the age range of the pupils he is to teach;
 - (b) any subjects in which he is to specialise; and
 - (c) a statement as to whether the registered teacher is to be employed full-time or part-time and in the latter case his normal working hours.
- 5.—**(1) Subject to sub-paragraph (2), registration shall remain in force—
- (a) in the case of a first registration for a full-time post, for two years from the date of its commencement; or
 - (b) in the case of a first registration for a part-time post or a subsequent registration (whether for a full-time or part-time post) for such period as may be specified by the Secretary of State or the Teacher Training Agency at the time of registration.
- (2) Registration shall lapse if the registered teacher ceases to be employed in the post of which particulars are given in the registration.
- (3) For the purpose of this paragraph “date of commencement” means the date specified in the registration as its date of commencement.
- 6.** The person carrying on the city college shall cause the registered teacher to receive during the period of registration the training, particulars of which were given in the recommendation.
- 7.** Without prejudice to regulation 11, in any case where registration lapses by virtue of paragraph 5(2) the person carrying on the city college shall report the facts of the case to the Teacher Training Agency, or, if the person was registered by the Secretary of State, to the Secretary of State, unless he has reported the facts of the case to him in pursuance of the duty imposed by regulation 11.”

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6th March 1995

Gillian Shephard
Secretary of State for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Teachers) Regulations 1993 (“the principal Regulations”). Apart from minor, drafting and consequential amendments, the following changes have been made (regulation 4).

Licences and authorisations allowing unqualified teachers to teach in schools in England will after 31st March 1995 be granted by the Teacher Training Agency (established by the Education Act 1994 and given additional functions relating to these Regulations by S.I.1995/601), rather than by the Secretary of State. Such licences and authorisations will be granted on the recommendation of governing bodies alone and the consent of local education authorities will not be required (except in the case of overseas trained teachers employed in pupil referral units where the recommending body is the local education authority). A licence or authorisation will lapse if the teacher ceases to be employed in the post particularised in the licence (or, in the case of an overseas trained teacher where the local education authority was the recommending body, if he ceases to be employed wholly or mainly in a pupil referral unit).

Licences and authorisations to teach in schools in Wales continue to be granted by the Secretary of State and the provisions relating to such licences and authorisations in substance remain unchanged.

The provisions relating to registered teachers have been amended so that registrations after 31st March 1995 will be effected by the Teacher Training Agency, and not the Secretary of State.

The amendment to the principal Regulations effected by section 14(2) of the Education Act 1994 has been incorporated as paragraph 2(2) of Schedule 3 to the principal Regulations allowing the Teacher Training Agency or the Higher Education Funding Council for Wales to accredit institutions as providers of courses of initial teacher training which satisfy the Secretary of State’s criteria, and the Secretary of State to grant qualified teacher status to persons who, inter alia, have successfully completed initial teacher training courses at such institutions.

Provisions in other Regulations which are spent are revoked (regulation 6).