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STATUTORY INSTRUMENTS

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**2001 No. 1268**

The General Teaching Council for England  
(Disciplinary Functions) Regulations 2001

PART 1

*Introduction*

**Citation and commencement**

1. These Regulations may be cited as the General Teaching Council for England (Disciplinary Functions) Regulations 2001 and shall come into force on 1st June 2001.

**Interpretation**

2.—(1) In these Regulations—

“the 1998 Act” means the Teaching and Higher Education Act 1998;

“authority” means a local education authority;

“Code of Practice” means the code of practice authorised to be issued under regulation 13 of the General Teaching Council for England (Registration of Teachers) Regulations 2000(1);

“the Council” means the General Teaching Council for England;

“disciplinary proceedings” in relation to a teacher in England or Wales means disciplinary proceedings under Schedule 2 to the 1998 Act;

“independent school” has the same meaning as in section 463 of the Education Act 1996(2);

“institution within the further education sector” has the same meaning as in section 91(3) of the Further and Higher Education Act 1992(3);

“institution within the higher education sector” has the same meaning as in section 91(5) of the Further and Higher Education Act 1992;

“the Register” means the register of teachers which the Council are required to establish and maintain in accordance with section 3 of the 1998 Act and the General Teaching Council for England (Registration of Teachers) Regulations 2000, and “registration” means registration on the Register;

“school maintained by an authority” means a school referred to in section 142(1) of the School Standards and Framework Act 1998(4); and

“special school” has the same meaning as in section 337(1) of the Education Act 1996(5).

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(1) S.I.2000/2176.

(2) 1996 c. 56; section 463 is amended by paragraphs 57 and 124 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31).

(3) 1992 c. 13.

(4) 1998 c. 31.

(5) 1996 c. 56; section 337(1) is amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

(2) The expressions “disciplinary order” (in relation to a teacher in England or Wales), “relevant offence” and “unacceptable professional conduct” are defined in paragraph 8(1) of Schedule 2 to the 1998 Act.

(3) In regulations 18 and 29, “employer” means—

- (a) a person who employs a registered teacher to work as a teacher at—
  - (i) a school maintained by an authority,
  - (ii) a special school not maintained by an authority,
  - (iii) an institution providing further or higher education or both which is maintained by an authority or is within the further education sector, or
  - (iv) an institution within the higher education sector in receipt of financial support under section 65 of the Further and Higher Education Act 1992<sup>(6)</sup>;
- (b) an authority which employs a registered teacher to work as a teacher otherwise than at a school or institution falling within sub-paragraph (a);
- (c) an authority or the governing body of a school or institution falling within sub-paragraph (a) which employs a registered teacher in work otherwise than as a teacher which brings him regularly into contact with persons who have not attained the age of nineteen years; and
- (d) a person who employs a registered teacher at an independent school, or the proprietor of an independent school who employs a registered teacher, to work as a teacher or in work otherwise than as a teacher which brings him regularly into contact with persons who have not attained the age of nineteen years,

and in sub-paragraphs (a) and (d) above includes a person who engages (or makes arrangements for the engagement of) a registered teacher to provide his services otherwise than under a contract of employment, and “employed” shall be construed accordingly.

(4)

- (a) In regulations 7, 8 and 9 “Committee” means an Investigating Committee, a Professional Conduct Committee, or a Professional Competence Committee; and
- (b) in regulations 11 to 16, 18 and 23 and paragraph 8 of the Schedule “Committee” means a Professional Conduct Committee or a Professional Competence Committee.

(5) In regulations 11 to 15 “hearing” means the hearing by a Professional Conduct Committee or a Professional Competence Committee of disciplinary proceedings against a registered teacher, or a hearing under regulation 20, 21 or 22.

(6) In regulation 8 “registered teacher” means a person for the time being registered under section 3 of the 1998 Act, and in the remaining provisions of these Regulations it means—

- (a) a person for the time being registered under section 3 of the 1998 Act;
- (b) a person who was registered under section 3 of the 1998 Act at the time of any alleged conduct or offence on his part; or
- (c) a person who has made an application to be registered under section 3 of the 1998 Act.

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(6) 1992 c. 13; section 65 was amended by the Disability Discrimination Act 1995 (c. 50) and the Teaching and Higher Education Act 1998.