



# Teaching Council (Scotland) Act 1965 (repealed)

## 1965 CHAPTER 19

### *Register of Teachers*

#### **6 Establishment of register.**

- (1) It shall be the duty of the Council to establish and keep a register containing the names, addresses and such qualifications and other particulars as may be prescribed, of persons who are entitled under the following provisions of this section to be registered therein and who apply in the prescribed manner to be so registered.
- (2) Any person shall be entitled to be registered if—
  - (a) he is a certificated teacher, or
  - (b) having fulfilled the requirements prescribed by the Secretary of State under the next following section, he has been duly recommended by the governing body of a [<sup>F1</sup>relevant institution] to the Council for registration; or
  - [<sup>F2</sup>(ba) in the case of a person who is not entitled to be registered under either of the two foregoing paragraphs, he fulfils such requirements as the Secretary of State may by regulations made under this paragraph prescribe; or]
  - (c) in the case of a person who is not entitled to be registered under [<sup>F3</sup>paragraphs (a) to (ba) above], his education, training, fitness to teach and experience are such as, in the opinion of the Council, to warrant his registration; or
  - (d) having been a certificated teacher whose certificate has been withdrawn or suspended, and not restored under any enactment in force before the commencement of this Act, his registration has been directed by the Disciplinary Committee under paragraph (d) of section 10(3) of this Act or, in a case not falling under that paragraph, by the Council:

Provided that the entitlement of any person to be registered by virtue of this subsection shall, in a case referred to the Disciplinary Committee under section 10(2)(b) of this Act, be subject to any direction by that Committee under section 11(2) of this Act.

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- [<sup>F4</sup>(2A) Before making regulations under subsection (2)(ba) above the Secretary of State shall consult the Council and such organisation as appears to him to be representative of the interests of education authorities.
- (2B) Regulations made by the Secretary of State under subsection (2)(ba) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]
- (3) For avoidance of doubt it is hereby declared that a person shall not be entitled to be registered by virtue of paragraph (c) of the last foregoing subsection if he has been a certificated teacher and his certificate has been withdrawn or suspended, and not restored under any enactment in force before the commencement of this Act.
- (4) The Council may make rules with respect to the form and keeping of the register, and the making of entries and alterations therein; and rules made under this subsection may in particular—
- (a) [<sup>F5</sup>subject to subsection (5B) below,] provide for the registration of a person to be provisional until such conditions as may be prescribed in that behalf are satisfied, and for the cancellation of provisional registration in such circumstances as may be prescribed;
  - (b) provide for the payment of such fees as [<sup>F6</sup>the Council think appropriate] in relation to registration;
  - (c) provide for the removal of a name from the register on a failure to pay a prescribed fee and for its restoration to the register on the making of the prescribed application in that behalf and on payment of that fee and any additional fee prescribed in respect of the restoration;
  - (d) provide for the issue of certificates of registration;
  - (e) prescribe anything required or authorised by this section to be prescribed;
  - (f) make such consequential, ancillary and incidental provisions as appear to the Council to be expedient for the purposes of the rules;
- and in this section (except in [<sup>F7</sup>subsection (2)(b) and (ba)] thereof) “prescribed” means prescribed by the Council in rules made under this subsection.
- (5) Rules made under the last foregoing subsection prescribing fees may provide for the charging of different fees in different classes of case.
- [<sup>F8</sup>(5A) Before making any rules under this section in respect of any matter which is, or may be, the subject of regulations under section 1 of the <sup>M1</sup>Teaching Council (Scotland) Act 1971, the Council shall consult the Secretary of State.]
- [<sup>F9</sup>(5B) The Council may with the consent of the Secretary of State make rules under subsection (4)(a) above in respect of persons entitled to be registered by virtue of regulations made under subsection (2)(ba) above.]
- (6) Rules made under subsection (4) of this section shall be published in such manner as the Council may determine and shall be so made as not to come into force before the expiration of one month from the date on which they are so published.

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**Subordinate Legislation Made**

P1 [S. 6\(2\)\(ba\)](#) power exercised by [S.I.1991/1136](#)

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#### Textual Amendments

- F1** Words in s. 6 substituted (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), **Sch. 9 para. 1(2)**; S.I. 1992/817, art 3(2), **Sch.1**.
- F2** S. 6(2)(ba) inserted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 2(2)(a)**
- F3** Words substituted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 2(2)(b)**
- F4** S. 6(2A)(2B) inserted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 2(3)**
- F5** Words inserted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 2(4)(a)**
- F6** Words substituted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 2(4)(b)**
- F7** Words substituted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 2(4)(c)**
- F8** S. 6(5A) inserted by Teaching Council (Scotland) Act 1971 (c. 2), **Sch. para. 1**
- F9** S. 6(5B) inserted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 2(5)**

#### Marginal Citations

- M1** 1971 c. 2.

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#### [<sup>F10</sup>6A Further provision as to keeping of register

- (1) After consultation with the Council, the Scottish Ministers may, by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament, make regulations requiring rules under section 6(4) of this Act—
- (a) to make such provision as to the form and manner in which the register is to be kept as shall be specified in the regulations; and
  - (b) to prescribe matters (being matters specified in the regulations) which are to be recorded in the register.
- (2) The Council shall, within one month after any regulations made under subsection (1) above come into force, make and publish such rules, revocations or amendments as the regulations make requisite.]

#### Textual Amendments

- F10** S. 6A inserted (13.10.2000) by 2000 asp 6, s. 47(1); S.S.I. 2000/361, art. 3(1), **Sch. Pt. I** (subject to transitional provisions in art. 4)

## 7 Conditions for recommendation for registration.

- [<sup>F11</sup>(1) Subject to the following provisions of this section, the Secretary of State may make regulations as to—
- (a) the provision of education and training for teachers in relevant institutions;

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- (b) the admission of students to courses of education and training for teachers;
  - (c) matters connected with the recommendation of students by the governing bodies of such institutions to the Council for registration; and
  - (d) so far as it relates to the matters mentioned in paragraphs (b) and (c) above, the fitness of persons to become teachers.
- (2) Regulations under subsection (1) above may contain provision—
- (a) as to the content, nature and duration of courses of education and training for teachers provided by relevant institutions and as to requirements for the assessment of students participating in such courses;
  - (b) as to the functions of the governing bodies, the principals and members of staff of relevant institutions;
  - (c) after consultation with the Council, conferring on the Council such functions as the Secretary of State considers appropriate; and
  - (d) as to such matters as are to be determined or approved by the Secretary of State or by such persons as may be prescribed,
- and such regulations may make different provision for different institutions or classes of institution and for different circumstances.]
- (3) Without prejudice to section 4 of this Act the Secretary of State shall, before making regulations under this section, consider any relevant recommendation and, unless he considers it inexpedient to do so, shall make regulations under this section giving effect to that recommendation, or, if any modification to the recommendation is approved both by the Secretary of State and by the Council, the recommendation as so modified.
- (4) If the Secretary of State considers that it is inexpedient to make regulations giving effect to any relevant recommendation, but no modification thereof is approved as aforesaid and the recommendation is not withdrawn, the Secretary of State may either—
- (a) refuse to make regulations giving effect to the recommendation, or
  - (b) make regulations giving effect to the recommendation modified in such manner as he thinks fit.
- (5) If the Secretary of State proposes to make regulations under this section otherwise than in consequence of a relevant recommendation he shall, before publishing a draft thereof in pursuance of [<sup>F12</sup>subsection (8A) of this section], afford to the Council an opportunity of considering the draft and shall have regard to representations made by them.
- (6) If the Secretary of State refuses to make regulations under this section giving effect to a relevant recommendation he shall, as soon as may be, publish in such manner as he thinks fit a statement of the terms of the recommendation and his reasons for refusing to make regulations giving effect to it.
- (7) If the Secretary of State proposes to make regulations under this section—
- (a) in the circumstances mentioned in subsection (4)(b) above, or
  - (b) in the circumstances mentioned in subsection (5) above, and without giving effect to any representations made by the Council under that subsection,
- he shall, when publishing a draft of the regulations in pursuance of [<sup>F13</sup>subsection (8A) of this section], publish in such manner as he thinks fit a statement of the terms of the relevant recommendation, his reasons for modifying it and, if the Council have notified him of any objections to the modifications, those objections; or, as the case may be,

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a statement of any representations made by the Council under the said subsection (5) and his reasons for not giving effect to them.

(8) [<sup>F14</sup>Subsections (1), (4) and (5) of section 144 of the Act of 1962] shall apply to the making of regulations under this section as [<sup>F14</sup>they apply] to the making of the regulations referred to in that section.

[<sup>F15</sup>(8A) The Secretary of State shall, not less than forty days before making regulations under this section, cause a draft of the regulations to be published and send a copy thereof to every education authority, and shall have regard to any representations made by an education authority or by any person interested before he makes the regulations; and the regulations may be made in the same form as in the published draft or in an amended form.]

(9) In this section “relevant recommendation” means a recommendation made by the Council under section 2(2) of this Act.

#### Textual Amendments

- F11** S. 7(1)(2) substituted (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 55(2); S.I. 1992/817, art. 3(2), Sch.1.
- F12** Words substituted by Education (Scotland) Act 1969 (c. 49), Sch. 2 Pt. II para. 2(a)
- F13** Words substituted by Education (Scotland) Act 1969 (c. 49), Sch. 2 Pt. II para. 2(b)
- F14** Words substituted by Education (Scotland) Act 1969 (c. 49), Sch. 2 Pt. II para. 2(c)
- F15** S. 7(8A) inserted by Education (Scotland) Act 1969 (c. 49), Sch. 2 Pt. II para. 2(d)

## 8 Principles for entitlement to registration under s. 6(2)(c).

The Council shall from time to time prepare, and publish in such manner as they think fit, a statement specifying the principles to which they will have regard in considering, for the purpose of section 6(2)(c) of this Act, whether a person’s education, training, fitness to teach and experience warrant his registration.

## 9 Penalty for false representations etc. to obtain registration.

If a person—

- (a) procures or attempts to procure the entry of any name on the register by wilfully making or producing or causing to be made or produced, either orally or in writing, any declaration, certificate or representation which he knows to be false or fraudulent, or
- (b) falsely or fraudulently holds himself out to be registered,

he shall be liable on summary conviction to a fine not exceeding [<sup>F16</sup>level 3 on the standard scale].

#### Textual Amendments

- F16** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 41:2), ss. 289F, 289G

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#### [<sup>F17</sup>9A] **Provision of information contained in register**

The Council shall, after consultation with the Scottish Ministers, with the education authorities and with such bodies as appear to the Council to represent other employers of registered teachers, make rules with respect to there being made available for inspection (by such means, in such form and within such time as may be prescribed in the rules) information contained in the register; and such rules may make—

- (a) provision as to the circumstances and form in which and the conditions subject to which that information may be made so available; and
- (b) different provision for different classes of information, for different classes of person to whom information is made so available and for different classes of case.]

#### Textual Amendments

**F17** S. 9A inserted (13.10.2000) by 2000 asp 6, s. 48; S.S.I. 2000/361, art. 3(1), **Sch. Pt. I** (subject to transitional provisions in art. 4)

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#### [<sup>F18</sup>9B] **Notification of dismissal etc. to Council**

The employer of a registered teacher shall—

- (a) on dismissing the teacher on grounds of—
  - (i) misconduct; or
  - (ii) incompetence;
- (b) on the teacher resigning, or abandoning his position, in circumstances where, but for the resignation or abandonment—
  - (i) he would have been dismissed on grounds of misconduct; or
  - (ii) his dismissal on grounds of misconduct would have been considered by the employer; or
- (c) on the teacher resigning, or abandoning his position, after being informed by the employer that a disciplinary hearing is to be held by the employer as respects the teacher's alleged incompetence,

forthwith notify the Council of the dismissal, resignation or abandonment; and the employer shall in so doing provide the Council with an account of the circumstances which led to the dismissal or which were present when the resignation or abandonment took place.]

#### Textual Amendments

**F18** S. 9B inserted (13.10.2000 for specified purposes and otherwise *prosp.*) by 2000 asp 6, s. 49; S.S.I. 2000/361, art. 3(1), **Sch. Pt. I** (subject to transitional provisions in art. 4)

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**[<sup>F19</sup>9C Provision of other information to Council by employer**

The employer of a registered teacher shall, when requested to do so by the Council, provide the Council with such information as respects that teacher as the Council may reasonably require in connection with the exercise of the functions assigned to them under this Act.]

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**Textual Amendments**

**F19** S. 9C inserted (13.10.2000 for specified purposes and otherwise *prosp.*) by 2000 asp 6, s. 49; S.S.I. 2000/361, art. 3(1), **Sch. Pt. I** (subject to transitional provisions in art. 4)

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