

*Status: Point in time view as at 06/04/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Teaching Council (Scotland) Act 1965 (repealed), PART II. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### THE COUNCIL

#### PART II

#### *Supplementary provisions relating to the Council*

##### *Incorporation*

7 The Council shall be a body corporate, with a common seal.

##### *Powers*

- [<sup>F1</sup>8 (1) In addition to the powers conferred on the Council by the other provisions of this Act, the Council shall have power—
- (a) to acquire, dispose of and otherwise intromit with rights in land; and
  - (b) to borrow money.
- (2) The consent of the Scottish Ministers is required for the exercise of the power conferred by sub-paragraph (1)(b) above.]

##### **Textual Amendments**

**F1** Sch. 1 Pt. II para. 8 substituted (13.10.2000) by 2000 asp 6, s. 53; S.S.I. 2000/361, art. 3(1), Sch. Pt. I (subject to transitional provisions in art. 4)

##### *Chairman*

- 9 (1) The chairman of the Council shall be appointed by the members of the Council from their own number.
- (2) The chairman, or in his absence the person acting as chairman, of the Council shall have a casting vote in the proceedings of the Council.

##### *Assessors*

10 The Secretary of State may appoint not more than two persons to be assessors for him at the proceedings of the Council; and each such assessor (or in his absence from any proceedings such other person as may be nominated by him for the purpose of those proceedings) shall be entitled to attend and speak at the proceedings of the Council and of any committee thereof except the [<sup>F2</sup>Investigating Sub-committee, the Disciplinary Sub-committee and, in relation to proceedings for the purposes of sections 10A(2) and (3) and 11(4) of this Act, the Professional

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Conduct Committee]; but no assessor shall be entitled to vote at any such proceedings.

#### Textual Amendments

- F2** Words in [Sch. 1 Pt. II para. 10](#) substituted (1.11.2001) by [2000 asp 6, s. 60\(1\)](#), [Sch. 2 para. 1\(5\)\(a\)](#); [S.S.I. 2000/361, art. 3\(2\)](#), [Sch. Pt. II](#) (subject to transitional provisions in [art. 4](#))

#### Proceedings

- 11 The powers of the Council, and any committee thereof, may be exercised notwithstanding any vacancy in the membership thereof, and the proceedings of the Council or any such committee shall not be invalidated by reason only of any defect in the election, appointment or nomination of a member.

#### Standing orders

- 12 Subject to the provisions of this Act the Council may make standing orders for the regulation of their proceedings and the quorum at such proceedings, and of the proceedings, and the quorum at the proceedings, of any committee of the Council other than the [<sup>F3</sup>Disciplinary Sub-committee]; and for the keeping of records, the execution of documents and such other matters connected with the conduct of the Council's business as the Council think fit.

#### Textual Amendments

- F3** Words in [Sch. 1 Pt. II para. 12](#) substituted (1.11.2001) by [2000 asp 6, s. 60\(1\)](#), [Sch. 2 para. 1\(5\)\(b\)](#); [S.S.I. 2000/361, art. 3\(2\)](#), [Sch. Pt. II](#) (subject to transitional provisions in [art. 4](#))

#### Expenses and accounts

- 13 (1) Any fees payable by virtue of this Act in respect of the entry, or retention of a name on, or the [<sup>F4</sup>re-registration of a name in], the register shall be paid to the Council, and any expenses of the Council shall be defrayed out of the sums received by the Council either on account of those fees or otherwise.
- (2) The Council shall keep proper accounts of all sums received or paid by them, and proper records in relation to those accounts, and the accounts for each financial year of the Council shall be audited by auditors appointed by the Council; and as soon as any accounts of the Council have been audited the Council shall cause them to be published, and shall send a copy of them to the Secretary of State, together with a copy of any report of the auditors thereon.
- <sup>F5</sup>[(3) No person shall be appointed as an auditor under this paragraph unless he is eligible for appointment as a [<sup>F6</sup>statutory auditor under Part 42 of the Companies Act 2006].]

#### Textual Amendments

- F4** Words in [Sch. 1 Pt. II para. 13\(1\)](#) substituted (1.11.2001) by [2000 asp 6, s. 60\(1\)](#), [Sch. 2 para. 1\(5\)\(c\)](#); [S.S.I. 2000/361, art. 3\(2\)](#), [Sch. Pt. II](#) (subject to transitional provisions in [art. 4](#))
- F5** [Sch. 1 para. 13\(3\)](#) substituted (1.10.1991) by [S. I. 1991/1997, reg. 2](#), [Sch. para. 14](#) (with [reg. 4](#))

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**F6** Words in Sch. 1 para. 13(3) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), Sch. 1 para. 1(f) (with arts. 6, 11, 12)

### *Officials*

- 14 (1) The Council may employ a registrar and such other wholetime and part-time officers and servants as they may require to enable them to carry out their functions, and may do so on such terms as to remuneration, allowances or otherwise as the Council may determine.
- (2) The Council may require any person employed by them whose responsibility includes intromission with their funds to find such caution as they may determine for his duly accounting for his intromissions.
- (3) The Council may pay, or enter into arrangements with insurance companies or local authorities for the payment of, pensions and other superannuation benefits to persons who have been employed by them.

### *Allowances for members*

- 15 The Council may, with the approval of the Secretary of State, pay to their members, and to other persons who are members of any committee appointed by the Council, such travelling, subsistence and other allowances as they think fit.

### *Committee on exceptional admission to the register*

- 16 (1) The Council shall appoint a committee, consisting of not more than one-third of the members of the Council, to review from time to time the principles specified in any statement under section 8 of this Act, and shall delegate to that committee the functions of the Council in dealing, in accordance with those principles, with applications for registration by virtue of section 6(2)(c) of this Act.

<sup>F7</sup>(2) .....

<sup>F7</sup>(3) .....

- (4) Where the said committee <sup>F8</sup> . . . refuse a person's application for registration, the committee <sup>F8</sup> . . . shall cause notice of the refusal to be served on that person; and any such notice shall include a statement of the reasons for the refusal.

#### **Textual Amendments**

**F7** Sch. 1 Pt. II para. 16(2)(3) repealed (13.10.2000) by 2000 asp 6, s. 60(2), Sch. 3; S.S.I. 2000/361, art. 3(1), Sch. Pt. I (subject to transitional provisions in art. 4)

**F8** Words in Sch. 1 Pt. II para. 16(4) repealed (13.10.2000) by 2000 asp 6, s. 60(2), Sch. 3; S.S.I. 2000/361, art. 3(1), Sch. Pt. I (subject to transitional provisions in art. 4)

### *Other committees*

- <sup>F9</sup>16A The Scottish Ministers may, by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament, make regulations—

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- (a) requiring the Council to establish such committees, for such purposes, as are specified in the regulations; and
- (b) providing for the membership of any committee so established.]

#### Textual Amendments

**F9** Sch. 1 Pt. II para. 16A inserted (13.10.2000) by 2000 asp 6, s. 54; S.S.I. 2000/361, art. 3(1), **Sch. Pt. I** (subject to transitional provisions in art. 4)

- 17 Subject to [<sup>F10</sup> paragraphs 16 and 16A of this Schedule] and to the provisions of this Act relating to the [<sup>F11</sup>Professional Conduct Committee, the Investigating Sub-committee and the Disciplinary Sub-committee], the Council may appoint such committees (consisting either wholly of members of the Council or partly of such members and partly of other persons) as the Council think fit; and any committee appointed under this paragraph may appoint such sub-committees as the committee thinks fit.

#### Textual Amendments

**F10** Words in Sch. 1 Pt. II para. 17 substituted (13.10.2000) by 2000 asp 6, s. 60(1), **Sch. 2 para. 1(5)(d)(i)**; S.S.I. 2000/361, art. 3(1), **Sch. Pt. I** (subject to transitional provisions in art. 4)

**F11** Words in Sch. 1 Pt. II para. 17 substituted (1.11.2001) by 2000 asp 6, s. 60(1), **Sch. 2 para. 1(5)(d)(ii)**; S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)

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