

*Status: Point in time view as at 01/11/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Teaching Council (Scotland) Act 1965 (repealed), Paragraph 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### PROCEDURE OF DISCIPLINARY [F1SUB-COMMITTEE]

##### Textual Amendments

**F1** Word in Heading in Sch. 2 substituted (1.11.2001) by 2000 asp 6, s. 60(1), Sch. 2 para. 6(a); S.S.I. 2000/361, art. 3(2), Sch. Pt. II (subject to transitional provisions in art. 4)

- 2 (1) Subject to the next following sub-paragraph, the Council shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary [F1Sub-committee], and in particular—
- (a) for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified by the rules, to any person whose case has been referred to the [F1Sub-committee] under section [F210B(2)] of this Act, and that such notice shall include a statement of the alleged facts and circumstances on which the proceedings are to be based;
  - (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
  - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the [F1Sub-committee];
  - (d) for enabling any party to the proceedings to be represented by counsel or solicitor or otherwise;
  - (e) for requiring the proceedings to be held in public except so far as may be provided by the rules;
  - (f) for securing that where evidence is tendered which would be inadmissible in criminal proceedings in Scotland it shall not be admitted by the [F1Sub-committee] unless, after consultation with the assessor acting under paragraph 3 of this Schedule, the [F1Sub-committee] is satisfied that its duties under this Act require that it should be admitted;
  - (g) for requiring, in cases where it is alleged that a person is guilty of [F3relevant misconduct], that where the [F1Sub-committee] judges that the allegation has not been proved it shall record a finding that the person is not guilty of [F4such misconduct] in respect of the matters to which the allegation relates.
- (2) As respects proceedings for—
- (a) the [F5re-registration] of the name of a person whose name was previously removed from the register by direction of the Disciplinary [F1Sub-committee],
  - (b) the determination of an application under section [F610C(1)(d)] of this Act, or
  - (c) the determination of a second or subsequent application for registration by a person whose original application has been refused in pursuance of a

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direction by the Disciplinary [<sup>F1</sup>Sub-committee] under section [<sup>F7</sup>11(8)] of this Act,

the Council shall have power to make rules with respect to all or any of the matters mentioned in the foregoing sub-paragraph, but shall not be required to do so; and separate rules under this paragraph may be made as respects such proceedings.

- (3) Rules under this paragraph shall not come into force until approved by the Lord President of the Court of Session.

#### Textual Amendments

- F1** Words in Sch. 2 para. 2 substituted (1.11.2001) by 2000 asp 6, s. 60(1), **Sch. 2 para. 1(6)(a)**; S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)
- F2** Words in Sch. 2 para. 2(1)(a) substituted (1.11.2001) by 2000 asp 6, **Sch. 2 para. 1(6)(b)(i)**; S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)
- F3** Words in Sch. 2 para. 2(1)(g) substituted (1.11.2001) by virtue of 2000 asp 6, **Sch. 2 para. 1(6)(b)(ii)**; S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)
- F4** Words in Sch. 2 para. 2(1)(g) substituted (1.11.2001) by 2000 asp 6, **Sch. 2 para. 1(6)(b)(ii)**; S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)
- F5** Words in Sch. 2 para. 2(2)(a) substituted (1.11.2001) by 2000 asp 6, **Sch. 2 para. 1(6)(b)(iii)**; S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)
- F6** Words in Sch. 2 para. 2(2)(b) substituted (1.11.2001) by 2000 asp 6, **Sch. 2 para. 1(6)(b)(iv)**; S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)
- F7** Words in Sch. 2 para. 2(2)(c) substituted (1.11.2001) by 2000 asp 6, **Sch. 2 para. 1(6)(b)(v)**; S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)

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