



Teaching Council (Scotland) Act 1965 (repealed)

1965 CHAPTER 19

Disciplinary Provisions

12 Appeals.

[^{F1}(1) Any—

- (a) such person as is mentioned in section 10A(2) or in paragraph (a) or (b) of section 11(9) of this Act;
- (b) person whose application for re-registration has been refused in compliance with a direction under this Act; or
- (c) person whose application for registration has been refused in compliance with a direction of the committee appointed under paragraph 16(1) of Part II of Schedule 1 to this Act,

may, within twenty-eight days after the service on him of notice of the direction in question, appeal against—

- (i) that direction; or
- (ii) in the case of a direction by the Disciplinary Sub-committee, any prohibition imposed by virtue of section 11(10) of this Act,

to the Court of Session in accordance with such rules as may be made by Act of Sederunt for the purposes of this subsection; and on any such appeal the Court may give such directions in the matter as it thinks proper, including directions as to the expenses of the appeal.

(1A) Any person—

- (a) in respect of whom a direction has been made by the Disciplinary Sub-committee, the Investigating Sub-committee or the Professional Conduct Committee and who does not have a right of appeal under subsection (1) above; or
- (b) whose application for variation or revocation of a condition specified in a conditional registration order has been refused by the Professional Conduct Committee,

Status: Point in time view as at 01/11/2001. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Teaching Council (Scotland) Act 1965 (repealed), Section 12. (See end of Document for details)

may, within the prescribed number of days after the service on him of notice of the direction or refusal in question, require the Council to review the direction or refusal; and in relation to any such review no person who was a member of the Disciplinary Sub-committee, or as the case may be of the Investigating Sub-committee or the Professional Conduct Committee, at the time the direction, or the decision to refuse the application, was made shall be entitled to take part in the proceedings of the Council.]

- (2) No appeal shall lie from a decision of the Court of Session on an appeal under [F²subsection (1) above].
- (3) On an appeal under [F²subsection (1) above] the Council shall be entitled to appear as respondent; and, whether they so appear or not, the Council shall be deemed for the purposes of any award of expenses in the appeal to be a party thereto.
- [F³(4) No direction under section 10A(2), 11(1) or (2) or 11A(1) of this Act (or section 11A(1) as applied in relation to proceedings under section 10A(2) of this Act) shall take effect until—
 - (a) where, in accordance with this section, the person concerned—
 - (i) appeals against the direction, the appeal has been withdrawn or dismissed; or
 - (ii) requires the Council to review the direction or refusal, the requirement has been withdrawn or the direction or refusal has been upheld; or
 - (b) in any other case, the twenty-eight days mentioned in subsection (1), or as the case may be the prescribed number of days mentioned in subsection (1A), above have elapsed.
- (5) The Council shall make rules as respects the procedure to be followed and the rules of evidence to be observed in proceedings in any review required under subsection (1A) above; but such rules shall not come into force until approved by the Lord President of the Court of Session.
- (6) In subsection (1A) above, “the prescribed number of days” means such number of days as may be prescribed by the Council in rules made under this subsection; and different numbers may be so prescribed for different categories of review.
- (7) For the purposes of advising the Council on questions of law arising in proceedings in any review required under subsection (1A) above, there shall in all such proceedings be an assessor to the Council who shall be an advocate or solicitor of not less than ten years’ standing appointed by them; and sub-paragraph (2) of paragraph 3 of Schedule 2 to this Act shall apply in relation to such proceedings and to the Council as that sub-paragraph applies in relation to proceedings before the Disciplinary Sub-committee and to that sub-committee.
- (8) An assessor may be appointed under this section either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.
- (9) The Council shall pay to an assessor appointed under this section remuneration at such rates as may be determined by them with the consent of the Lord President of the Court of Session.]

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Textual Amendments

- F1** S. 12(1)(1A) substituted for s. 12(1) (13.10.2000 for certain purposes and otherwise 1.11.2001) by 2000 asp 6, s. 51(1); S.S.I. 2000/361, art. 3, Sch. (subject to transitional provisions in art. 4)
- F2** Words in s. 12(2)(3) substituted (1.11.2001) by 2000 asp 6, s. 51(2); S.S.I. 2000/361, art. 3(2), Sch. Pt. II (subject to transitional provisions in art. 4)
- F3** S. 12(4)-(9) substituted for s. 12(4) (1.11.2001) by 2000 asp 6, s. 51(2); S.S.I. 2000/361, art. 3(2), Sch. Pt. II (subject to transitional provisions in art. 4)

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