



Teaching Council (Scotland) Act 1965 (repealed)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 [^{F1}relevant institution] to the Council for registration; or
 - [^{F2}(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 [^{F3}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 - (d) having been a certificated teacher whose certificate has been withdrawn or suspended, and not restored under any enactment in force before the commencement of this Act, his registration has been directed by the Disciplinary [^{F4}Sub-committee by virtue of paragraph (d) of section 10C(1)] 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 [^{F5}Sub-committee by virtue of section 10B(1)(b)] of this Act, be subject to any direction by that [^{F6}Sub-committee under section 11(8)] of this Act.

Status: Point in time view as at 10/01/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Teaching Council (Scotland) Act 1965 (repealed), Section 6. (See end of Document for details)

- [^{F7}(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.]
- [^{F8}(2C) A person shall not be entitled to be registered if he is included (otherwise than provisionally) in the list kept under section 1(1) of the Protection of Children (Scotland) Act 2003 (asp 5).
- (2D) Any person who is registered and is, at any time after being registered, included (otherwise than provisionally) in that list shall be removed from the register.]
- (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) [^{F9}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 [^{F10}the Council think appropriate] in relation to registration;
 - [^{F11}(c) provide for the removal of a name from the register on a failure—
 - (i) to pay a prescribed fee and for its re-registration in the register on the making of the prescribed application in that behalf and on payment of that fee and any additional fee;
 - (ii) to supply information, or details of a change in information, within such reasonable period as may be intimated to the person by the Council provided that such intimation was given after the person had already failed to supply timeously, under subsection (5C) below, the information or details and for its re-registration in the register on the making of the prescribed application in that behalf, the supplying of the information or details and the payment of a fee, prescribed in respect of the re-registration;]
 - (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 [^{F12}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.

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[^{F13}(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 ^{M1}Teaching Council (Scotland) Act 1971, the Council shall consult the Secretary of State.]

[^{F14}(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.]

[^{F15}(5C) A person whose name is contained in the register shall, within such period as may be prescribed, supply the Council with—

- (a) details of any change in the information recorded against that name in the register if it is a change of such kind as may be prescribed;
- (b) such information as may be prescribed, being information of a kind not already so recorded.]

(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.

Subordinate Legislation Made

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

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 Words in s. 6(2)(d) substituted (1.11.2001) by [2000 asp 6](#), s. 60(1), [Sch. 2 para. 1\(3\)\(a\)](#); [S.S.I. 2000/361](#), art. 3(2), [Sch. Pt. II](#) (subject to transitional provisions in art. 4)
- F5 Words in proviso to s. 6(2) substituted (1.11.2001) by [2000 asp 6](#), s. 60(1), [Sch. 2 para. 1\(3\)\(b\)\(i\)](#); [S.S.I. 2000/361](#), art. 3(2), [Sch. Pt. II](#) (subject to transitional provisions in art. 4)
- F6 Words in proviso to s. 6(2) substituted (1.11.2001) by [2000 asp 6](#), s. 60(1), [Sch. 2 para. 1\(3\)\(b\)\(ii\)](#); [S.S.I. 2000/361](#), art. 3(2), [Sch. Pt. II](#) (subject to transitional provisions in art. 4)
- F7 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\(3\)](#)
- F8 S. 6(2C)(2D) inserted (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), [ss. 13](#), 22(2); [S.S.I. 2004/522](#), art. 2(1) (as substituted by [S.S.I. 2004/556](#), art. 2)
- F9 Words inserted by [Self-Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 82(1), [Sch. 10 para. 2\(4\)\(a\)](#)
- F10 Words substituted by [Self-Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 82(1), [Sch. 10 para. 2\(4\)\(b\)](#)
- F11 S. 6(4)(c) substituted (13.10.2000) by [2000 asp 6](#), [s. 47\(2\)\(a\)](#); [S.S.I. 2000/361](#), art. 3(1), [Sch. Pt. I](#) (subject to transitional provisions in art. 4)
- F12 Words substituted by [Self-Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 82(1), [Sch. 10 para. 2\(4\)\(c\)](#)
- F13 S. 6(5A) inserted by [Teaching Council \(Scotland\) Act 1971 \(c. 2\)](#), [Sch. para. 1](#)
- F14 S. 6(5B) inserted by [Self-Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 82(1), [Sch. 10 para. 2\(5\)](#)

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F15 S. 6(5C) inserted (13.10.2000) by 2000 asp 6, s. 47(2)(b); S.S.I. 2000/361, art. 3(1), **Sch. Pt. I** (subject to transitional provisions in art. 4)

Marginal Citations

M1 1971 c. 2.

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