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# Teaching and Higher Education Act 1998

## 1998 CHAPTER 30

### PART I

#### THE TEACHING PROFESSION

#### CHAPTER I

#### THE GENERAL TEACHING [F<sup>1</sup>COUNCIL FOR WALES]

#### *Functions of the General Teaching Council for [F<sup>1</sup>Wales]*

#### Textual Amendments

**F1** Word in s. 2 cross-heading substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 2 para. 4**; [S.I. 2012/924](#), art. 2

#### **2** **Advisory functions of [F<sup>2</sup>the Council].**

- (1) The Council shall from time to time advise—
  - (a) the Secretary of State, and
  - (b) such other persons or bodies as he may from time to time designate, on such matters falling within subsection (2) as they think fit.
- (2) Those matters are—
  - (a) standards of teaching;
  - (b) standards of conduct for teachers;
  - (c) the role of the teaching profession;
  - (d) the training, career development and performance management of teachers;
  - (e) recruitment to the teaching profession;
  - [F<sup>3</sup>(e)] the supply of teachers;

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- (ef) the retention of teachers within the teaching profession;
- (eg) the standing of the teaching profession;]

and

- (f) medical fitness to teach.

- (3) The Council shall also advise the Secretary of State—
- (a) on such matters falling within subsection (2), or
  - (b) on such other matters relating to teaching,
- as he may from time to time require.

<sup>F4</sup>(4) .....

- (5) The Council may give advice on such matters falling within subsection (2) as they think fit to such persons or bodies as they may from time to time determine.
- (6) Any advice given by the Council on matters falling within subsection (2) shall be advice of a general nature.
- (7) The Council may publish advice given by them under subsection (1), (3) or (5).

#### Textual Amendments

- F2** Words in s. 2 heading substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 2 para. 5](#); [S.I. 2012/924](#), art. 2
- F3** S. 2(2)(ee)(ef)(eg) inserted (1.10.2002 (E.) and 19.12.2002 (W.)) by [2002 c. 32](#), s. 148, [Sch. 12 para. 2](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2439](#), art. 3; [S.I. 2002/3185](#), art. 4, [Sch. Pt. I](#)
- F4** S. 2(4) repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 9 para. 3](#), [Sch. 10](#) (with [ss. 51](#), [57\(3\)](#), [60\(4\)](#), [64\(5\)](#)); [S.I. 2009/2611](#), art. 2, [Sch.](#) (with [arts. 5-7](#)) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)

#### Commencement Information

- I1** S. 2 wholly in force at 1.6.2001; s. 2 not in force at Royal Assent see s. 46(4); s. 2(1)-(3)(5)-(7) in force at 1.9.2000 by [S.I. 2000/970](#), art. 3; s. 2(4) in force at 30.4.2001 (W.) and 1.6.2001 (E.) by [S.I. 2001/1211](#), arts. 3, 4

### 3 Registration of teachers.

- (1) The Council shall establish and maintain [<sup>F5</sup>a register for the purposes of this Chapter] (“the register”).
- (2) The register shall contain the name of every person who is eligible for [<sup>F6</sup>full or provisional registration] and applies to be registered in the register in accordance with regulations made under section 4.
- (3) <sup>M1</sup>A person is eligible for [<sup>F7</sup>registration][<sup>F7</sup>full registration] if he is a qualified teacher [<sup>F8</sup>within the meaning of section 218(2) of the Education Reform Act 1988] and he is not for the time being—
- [<sup>F9</sup>(a) subject to a direction under section 142(1)(a) of the Education Act 2002 (prohibition from teaching, &c.),]
  - [<sup>F10</sup>(aa) barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006),]

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- (b) subject to a disciplinary order made under Schedule 2 to this Act by virtue of which he is not eligible for [F7registration][F7full registration], or
  - <sup>F11</sup>(c) .....
  - (d) (subject to such exceptions as may be prescribed by, or determined by the Secretary of State under, regulations) ineligible for registration as a teacher, or disqualified from being a teacher in any school, by virtue of any prescribed provision of the law of Scotland or of Northern Ireland.
- [F12(3A) A person is eligible for provisional registration if he satisfies such conditions as may be prescribed.
- (3B) A person is not eligible for provisional registration or full registration unless at the relevant time the Council are or were satisfied as to his suitability to be a teacher.
- (3C) In subsection (3B) “the relevant time” means—
- (a) in relation to an applicant for provisional registration or an applicant for full registration who is already registered with provisional registration, the time of provisional registration, or
  - (b) in the case of an applicant for full registration who is not already registered with provisional registration, the time of full registration.
- (3D) Regulations may provide that any prescribed description of person is, or is not, to be taken to be suitable to be a teacher.]
- (4) Except in such circumstances as may be prescribed, a person is not eligible for [F13registration][F13full registration] if, having served an induction period in accordance with regulations under section 19, he has failed to complete it satisfactorily for the purposes of those regulations.

#### Textual Amendments

- F5** Words in s. 3(1) substituted (1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 12 para. 3(2)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 3
- F6** Words in s. 3(2) substituted (1.8.2003 for E. for specified purposes, 6.11.2006 so far as not already in force except in relation to W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 12 para. 3(3)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 3; S.I. 2006/2895, art. 2
- F7** Words in s. 3(3) substituted (6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 12 para. 3(4)** (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2
- F8** Words in s. 3(3) repealed (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 21 para. 76(a), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/1667, art. 3
- F9** S. 3(3)(a) substituted (31.3.2003 for W., 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 76(b)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
- F10** S. 3(3)(aa) inserted (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 9 para. 4** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F11** S. 3(3)(c) repealed (1.9.2003 for E., 1.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. 3
- F12** S. 3(3)-(3D) inserted (6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 12 para. 3(5)** (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2
- F13** Words in s. 3(4) substituted (6.11.2006 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 12 para. 3(6)** (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2

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#### Commencement Information

- I2** S. 3 wholly in force at 1.9.2000; s. 3 not in force at Royal Assent see s. 46(4); s. 3(3)(d)(4) in force for certain purposes at 5.4.2000 and for remaining purposes 1.9.2000 and s. 3(1)(2)(3)(a)-(c) in force at 1.9.2000 by [S.I. 2000/970](#), [arts. 2, 3](#)

#### Marginal Citations

- M1** 1988 c. 40.

## 4 Regulations relating to registration.

- (1) Regulations may make provision as to the form and manner in which the register is to be kept and other matters relating to registration.
- (2) Regulations under this section may, in particular, make provision as to—
  - (a) the form and manner in which applications for registration are to be made;
  - (b) the documentary and other evidence which is to accompany applications for registration;
  - <sup>F14</sup>(ba) the service on applicants for registration of notice of the Council’s decision to grant or refuse the application and, in the case of a refusal, of the grounds on which the decision was taken and (where applicable) of the applicant’s right to appeal against the decision under section 4A;]
  - (c) the registration, on the establishment of the register, of persons who have not made such applications;
  - (d) the matters which are to be recorded in the register against the names of those registered in it;
  - (e) the division of the register into separate parts;
  - (f) the restoration and alteration of entries and their transfer between different parts of the register (where separate parts are required by virtue of paragraph (e));
  - (g) the charging by the Council of fees authorised by virtue of subsection (4);
  - (h) the removal of entries from the register in circumstances where the persons concerned—
    - (i) have ceased to be eligible for registration, or
    - (ii) have failed to pay any such fee,
 or otherwise;
  - (i) the issue and form of certificates of registration;
  - (j) the information contained in the register which may be made available for inspection by members of the public, and the circumstances in which and the conditions subject to which that information may be made available.
- (3) Regulations made in pursuance of subsection (2)(d) may require the recording of any restrictions for the time being in force in relation to a person as the result of—
  - <sup>F15</sup>(a) a direction given under section 142 of the Education Act 2002 (prohibition from teaching, &c.);]
  - (b) a disciplinary order made under Schedule 2 to this Act.
- (4) For the purposes of subsection (2)(g) regulations under this section may authorise the Council (subject to such exceptions as may be provided for by or under the regulations) to charge fees fixed by them with the approval of the Secretary of State in respect of—
  - (a) applications for registration or for the restoration of entries in the register;

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- (b) registration in accordance with subsection (2)(c); or
- (c) the retention of entries in the register;

and the regulations may accordingly authorise the Council to refuse an application falling within paragraph (a) above until the appropriate fee has been paid.

[<sup>F16</sup>(4A) The Council, in exercising any power to fix fees authorised by virtue of subsection (4), shall have regard to the expenditure of the Council in exercising—

- (a) their functions under this Act relating to registration, and
- (b) all other functions conferred on them under this Act or any other enactment.]

(5) Regulations under this section may authorise the Council to make provision in relation to any matter as to which provision may be made by regulations under this section.

[<sup>F17</sup>(6) In this section “registration” means full registration or provisional registration.]

#### Textual Amendments

- F14** S. 4(2)(ba) inserted (6.11.2006 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 12 para. 4(2)** (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2
- F15** S. 4(3)(a) substituted (31.3.2003 for W., 1.6.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 77** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
- F16** S. 4(4A) inserted (1.10.2002 for E. and 19.12.2002 for W.) by 2002 c. 32, s. 148, **Sch. 12 para. 4(3)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, **Sch. Pt. I**
- F17** S. 4(6) inserted (1.8.2003 for E. for specified purposes, 6.11.2006 so far as not already in force except in relation to W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 12 para. 4(4)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 3; S.I. 2006/2895, art. 2

#### [<sup>F18</sup>4A Appeals against refusal of registration

- (1) Regulations shall make provision for conferring on a person aggrieved by a decision made on relevant grounds to refuse an application made by him for registration under section 3 a right to appeal against the decision to the High Court within 28 days from the date on which notice of the decision is served on him.
- (2) The reference in subsection (1) to a decision made on relevant grounds is to a decision made on the ground that at the relevant time the Council were not satisfied of the applicant’s suitability to be a teacher.
- (3) On such an appeal the Court may make any order which appears appropriate.
- (4) No appeal shall lie from any decision of the Court on such an appeal.]

#### Textual Amendments

- F18** S. 4A inserted (6.11.2006 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 12 para. 5** (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2

## 5 Code of practice for registered teachers.

- (1) Regulations may make provision for, and in connection with, authorising the Council to issue, and from time to time revise, a code laying down standards of professional conduct and practice expected of registered teachers.

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- (2) Regulations under this section may, in particular, make provision—
- (a) as to the consequences of any failure by a registered teacher to comply with the provisions of the code;
  - (b) for the provision by the Council of copies of the code, either on payment of a reasonable charge decided by the Council or, in such circumstances as may be determined in accordance with the regulations, free of charge.
- (3) Regulations made in pursuance of subsection (2)(a) may provide for any failure by a registered teacher to comply with the provisions of the code to be taken into account in any proceedings against him under Schedule 2.

## 6 Disciplinary powers of Council in relation to registered teachers.

Schedule 2 (which makes provision for certain disciplinary powers to be conferred on the Council in relation to registered teachers and persons applying for registration) shall have effect.

### Commencement Information

- I3** S. 6 wholly in force at 1.6.2001; s. 6 not in force at Royal Assent see s. 46; s. 6 in force at 28.2.2001 (E.W.) for specified purposes by [S.I. 2001/1211](#), [art. 2](#); s. 6 in force insofar as not already in force at 30.4.2001 (W.) and 1.6.2001 (E.) by [S.I. 2001/1211](#), [arts. 3, 4](#)

## [<sup>F19</sup>6A Power to promote teaching profession

- (1) The Council may undertake activities designed to promote the standing of the teaching profession.
- (2) Without prejudice to the generality of subsection (1), such activities may include—
- (a) giving advice,
  - (b) organising conferences and lectures, and
  - (c) arranging for the publication of material in any form.]

### Textual Amendments

- F19** S. 6A inserted (1.10.2002 for E. and 19.12.2002 for W.) by [2002 c. 32, s. 148](#), [Sch. 12 para. 6](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

## 7 Additional and ancillary functions of Council.

- (1) The Secretary of State may by order confer or impose on the Council such additional functions as he considers they may appropriately discharge in conjunction with any of their other functions under this Chapter.
- (2) Before making an order under subsection (1), the Secretary of State shall carry out such consultation as appears to him to be appropriate.
- (3) Without prejudice to the generality of subsection (1), the Secretary of State may under that subsection require the Council to give him such assistance as he may specify in

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relation to <sup>F20</sup>the specification of requirements of regulations under section 132 of the Education Act 2002 (qualified teacher status)].

- (4) Without prejudice to the generality of subsection (1), the Secretary of State may under that subsection require the Council to maintain records relating to such categories of persons (including persons not eligible to be registered under section 3) as may be prescribed; and the records shall contain such information relating to those persons and be kept in such manner as may be prescribed.
- (5) The Council shall carry out such functions ancillary to their functions under this Chapter as the Secretary of State may direct.

#### Textual Amendments

**F20** Words in s. 7(3) substituted (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 78](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/3185](#), art. 4, Sch. Pt. 1; [S.I. 2003/1667](#), art. 3

#### Commencement Information

**I4** S. 7 wholly in force at 1.9.2000; s. 7 not in force at Royal Assent see s. 46(4); s. 7(1)-(4) in force at 5.4.2000 and s. 7(5) in force at 1.9.2000 by [S.I. 2000/970](#), [arts. 2, 3](#)

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