

Changes to legislation: Education Act 2002, Part 1 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 12

THE GENERAL TEACHING COUNCILS FOR ENGLAND AND WALES

PART 1

AMENDMENTS OF TEACHING AND HIGHER EDUCATION ACT 1998

1 The Teaching and Higher Education Act 1998 (c. 30) is amended as follows.

Commencement Information

II Sch. 12 para. 1 wholly in force at 19.12.2002; Sch. 12 para. 1 not in force at Royal Assent, see s. 216; Sch. 12 para. 1 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 12 para. 1 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

2 In section 2 (which relates to the advisory functions of the General Teaching Council for England, and is applied by section 9 in relation to the General Teaching Council for Wales), in subsection (2) before the word “and” immediately following paragraph (e) there is inserted—

“(ee) the supply of teachers;

(ef) the retention of teachers within the teaching profession;

(eg) the standing of the teaching profession;”.

Commencement Information

I2 Sch. 12 para. 2 wholly in force at 19.12.2002; Sch. 12 para. 2 not in force at Royal Assent, see s. 216; Sch. 12 para. 2 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 12 para. 2 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

3 (1) Section 3 (which relates to the registration of teachers with the General Teaching Council for England, and is applied by section 9 in relation to the General Teaching Council for Wales) is amended as follows.

(2) In subsection (1) for “a register of teachers” there is substituted “ a register for the purposes of this Chapter ”.

(3) In subsection (2), for “registration” there is substituted “ full or provisional registration ”.

(4) In subsection (3) for “registration”, where first occurring and in paragraph (b), there is substituted “ full registration ”.

(5) After subsection (3) there is inserted—

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“(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.”

(6) In subsection (4), for “registration” there is substituted “ full registration ”.

Commencement Information

- I3** Sch. 12 para. 3(1) (2) (4) (6) in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)
- I4** Sch. 12 para. 3(1) in force at 31.5.2006 for W. by [S.I. 2006/1336](#), [art. 4](#), [Sch. Pt. 1](#)
- I5** Sch. 12 para. 3(3) in force at 1.8.2003 for specified purposes except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)
- I6** Sch. 12 para. 3(3) in force at 6.11.2006 so far as not already in force except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)
- I7** Sch. 12 para. 3(5) in force at 31.5.2006 for specified purposes for W. by [S.I. 2006/1336](#), [art. 4](#), [Sch. Pt. 1](#) (with [Sch. Pt. 2](#))
- I8** Sch. 12 para. 3(5) in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

4 (1) Section 4 (which relates to regulations about the registration of teachers with the General Teaching Council for England, and is applied by section 9 in relation to the General Teaching Council for Wales) is amended as follows.

(2) In subsection (2), after paragraph (b) there is inserted—

“(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;”.

(3) After subsection (4) there is inserted—

“(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.”

(4) After subsection (5) there is inserted—

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“(6) In this section “registration” means full registration or provisional registration.”

Commencement Information

- I9** Sch. 12 para. 4 partly in force; Sch. 12 para. 4 not in force at Royal Assent, see s. 216; Sch. 12 para. 4(1) (3) in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 12 para. 4(1)(3) in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. 1](#)
- I10** Sch. 12 para. 4(2) in force at 31.5.2006 for W. by [S.I. 2006/1336](#), [art. 4](#), [Sch. Pt. 1](#)
- I11** Sch. 12 para. 4(2) in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)
- I12** Sch. 12 para. 4(4) in force at 1.8.2003 for specified purposes except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)
- I13** Sch. 12 para. 4(4) in force at 6.11.2006 so far as not already in force except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

5 After section 4 there is inserted—

“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.”

Commencement Information

- I14** Sch. 12 para. 5 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

6 After section 6 there is inserted—

“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.”

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Commencement Information

- I15** Sch. 12 para. 6 wholly in force at 19.12.2002; Sch. 12 para. 6 not in force at Royal Assent, see s. 216; Sch. 12 para. 6 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 12 para. 6 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

F17

Textual Amendments

- F1** Sch. 12 para. 7 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 2 para. 19\(5\)](#); [S.I. 2012/924](#), [art. 2](#)

8 In section 12 (deduction of fees from salaries etc) in subsection (4), after “section —” there is inserted—

““registration” means full registration or provisional registration;”.

Commencement Information

- I16** Sch. 12 para. 8 in force at 1.8.2003 for specified purposes except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)
I17 Sch. 12 para. 8 in force at 6.11.2006 so far as not already in force except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

9 In section 42 (orders and regulations), in subsection (2) (a) (orders subject to negative resolution procedure), after “section 7 or 8” there is inserted “ or paragraph 18 of Schedule 1 ”.

Commencement Information

- I18** Sch. 12 para. 9 partly in force; Sch. 12 para. 9 not in force at Royal Assent, see s. 216; Sch. 12 para. 9 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))

10 In section 43(1) (general interpretation), in the definition of “registered teacher” after “section 3” there is inserted “ with full or provisional registration ”.

Commencement Information

- I19** Sch. 12 para. 10 in force at 1.8.2003 for specified purposes except in relation to W. by [S.I. 2003/1667](#), [art. 3](#)
I20 Sch. 12 para. 10 in force at 6.11.2006 so far as not already in force except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

11 In Schedule 1 (constitution etc. of General Teaching Council for England), after paragraph 17 there is inserted—

“Power to amend Schedule

- 18 (1) The Secretary of State may by order amend the preceding provisions of this Schedule for the purpose of removing or relaxing any control

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exercisable by him by virtue of any of the provisions of this Schedule specified in sub-paragraph (2).

- (2) Those provisions are—
- (a) paragraph 2(3),
 - (b) paragraph 4,
 - (c) paragraph 5,
 - (d) paragraph 6,
 - (e) paragraph 11
 - (f) paragraph 14(2).”

Commencement Information

I21 Sch. 12 para. 11 partly in force; Sch. 12 para. 11 not in force at Royal Assent, see s. 216; Sch. 12 para. 11 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#))

- 12 (1) Schedule 2 (disciplinary powers of Council) is amended as follows.
- (2) For paragraph 4 (suspension orders) there is substituted—
- “4 (1) Where a suspension order is made in relation to a person—
- (a) he shall cease to be eligible for registration under section 3, and
 - (b) if he is a registered person at the time when the order is made, his name shall be removed from the register accordingly,
- but, subject to sub-paragraph (2), he shall become so eligible again at the end of such period not exceeding two years as may be specified in the order.
- (2) A suspension order may specify conditions to be complied with by the person to whom the order relates and where it does so—
- (a) that person shall become eligible again for registration under section 3 at the end of the period specified under sub-paragraph (1) only if he has then complied with the conditions; and
 - (b) if he has not then complied with the conditions, he shall not become so eligible again until he has complied with the conditions.
- (3) Sub-paragraphs (a) and (b) of paragraph 3(2) apply in relation to a suspension order as they apply in relation to a conditional registration order.
- (4) A person in relation to whom conditions have been specified in a suspension order may, in accordance with regulations, apply to the Council for them to vary or revoke any of the conditions.”
- (3) In paragraph 8 (interpretation), after sub-paragraph (1) there is inserted—
- “(1A) References in this Schedule to registration under section 3 are references to registration under that section with full or provisional registration.”

Commencement Information

I22 Sch. 12 para. 12 partly in force; Sch. 12 para. 12 not in force at Royal Assent, see s. 216; Sch. 12 para. 12(1)(2) in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)); Sch. 12 para. 12(1)(2) in force for W. at 31.3.2003 by [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)

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| I23 | Sch. 12 para. 12(1)(2) in force at 31.3.2003 for W. by S.I. 2002/3185 , art. 5 , Sch. Pt. II |
| I24 | Sch. 12 para. 12(3) in force at 1.8.2003 for specified purposes except in relation to W. by S.I. 2003/1667 , art. 3 |
| I25 | Sch. 12 para. 12(3) in force at 6.11.2006 so far as not already in force except in relation to W. by S.I. 2006/2895 , art. 2 |

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)