



Education Act 2011

2011 CHAPTER 21

PART 3

SCHOOL WORKFORCE

Abolition of the General Teaching Council for England

10 Abolition of the GTCE: transitional provision

- (1) Subsections (2) to (9) apply to a disciplinary order made by the General Teaching Council for England (“the Council”) by virtue of Schedule 2 to THEA 1998 that is in force immediately before the commencement date.
- (2) A prohibition order is to be treated, after the commencement date, as if it were a prohibition order made by the Secretary of State under section 141B of EA 2002.
- (3) A conditional registration order is to continue in force for the period during which any condition specified in the order has effect, or, if any condition specified in the order has effect without limit of time, until such time as the order is revoked.
- (4) A suspension order is to continue in force until the later of—
 - (a) the end of the suspension period specified in the order, and
 - (b) the date on which the person to whom the order relates has complied with any condition specified in the order by virtue of paragraph 4(2) of Schedule 2 to THEA 1998.
- (5) Where a conditional registration order remains in force after the commencement date by virtue of subsection (3), sub-paragraphs (1) to (3) of paragraph 3 of Schedule 2 to THEA 1998 continue to apply to the order, but with the modification specified in subsection (6).
- (6) Sub-paragraph (1) of paragraph 3 is modified so that for the words “eligible for registration under section 3” there is substituted “allowed to carry out teaching work within the meaning of section 141A of the Education Act 2002”.

Status: This is the original version (as it was originally enacted).

- (7) Where a suspension order remains in force after the commencement date by virtue of subsection (4), sub-paragraphs (1) to (3) of paragraph 4 of Schedule 2 to THEA 1998 continue to apply to the order, but with the modifications specified in subsection (8).
- (8) Sub-paragraphs (1) and (2) of paragraph 4 are modified as follows—
- (a) in sub-paragraph (1)—
 - (i) in paragraph (a), for the words “eligible for registration under section 3” there is substituted “allowed to carry out teaching work within the meaning of section 141A of the Education Act 2002”;
 - (ii) paragraph (b) (and the “and” preceding it) is omitted;
 - (iii) in the words following paragraph (b), for “become so eligible” there is substituted “be allowed to carry out such work”;
 - (b) in sub-paragraph (2)—
 - (i) in paragraph (a), for “become eligible again for registration under section 3” there is substituted “be allowed to carry out teaching work within the meaning of section 141A of the Education Act 2002”;
 - (ii) in paragraph (b), for “become so eligible” there is substituted “be allowed to carry out such work”.
- (9) Where a conditional registration order or a suspension order remains in force after the commencement date by virtue of subsection (3) or (4)—
- (a) any regulations under Schedule 2 to THEA 1998 that make provision about the variation or revocation of disciplinary orders continue to apply in relation to the order, but those regulations have effect as if functions conferred on the Council (or a committee of the Council) by the regulations had been transferred to the Secretary of State;
 - (b) regulations under paragraph 6 of Schedule 2 to THEA 1998 (appeals against disciplinary orders to High Court) continue to apply;
 - (c) the Secretary of State may consider an application to vary or revoke the order.
- (10) The Secretary of State may include on the list maintained under section 141C of EA 2002 (list of persons prohibited from teaching etc) any person in relation to whom a conditional registration order or a suspension order is in force.
- (11) Where immediately before the commencement date a teacher in England was the subject of an investigation by the Council (or a committee of the Council) by virtue of Schedule 2 to THEA 1998, the Secretary of State may continue the investigation and make a decision under section 141B of EA 2002.
- (12) In this section—
- “the commencement date” means the date on which section 7 (abolition of the General Teaching Council for England) comes into force;
 - “disciplinary order”, “conditional registration order” and “suspension order” have the same meanings as in Schedule 2 to THEA 1998 (see paragraph 2(3)).