STATUTORY INSTRUMENTS

2016 No. 1123

EDUCATION, ENGLAND

The Education (School Teachers' Qualifications and Induction Arrangements and Special Educational Needs Co-ordinators) (Amendment) Regulations 2016

Made - - - -	*17th November 2016*
Laid before Parliament	*21st November 2016*
Coming into force - -	*19th December 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 132(1) and (2), 135A(1) and 145(1) of the Education Act 2002 [F1], section 317(3B) of the Education Act 1996 [F2] and section 67(3) of the Children and Families Act 2014 [F3].

F1 2002 c.32; section 135A was inserted by section 9 of the Education Act 2011 (c.21); there are amendments to sections 135A(1) and 145(1) which are not relevant to these Regulations. For the meaning of "prescribed" and "regulations" see **section 212(1)**; there are amendments to section 212(1) which are not relevant to these Regulations.

F2 1996 c.56; section 317(3B) was inserted by section 173 of the Education and Inspections Act 2006 (c.40). For the meaning of "prescribed" and "regulations" see **section 579(1)**; there are amendments to section 579(1) which are not relevant to these Regulations.

F3 2014 c.6. For the meaning of "prescribed" and "regulations" see **section 579(1)** of the Education Act 1996 (c.56); there are amendments to section 579(1) which are not relevant to these Regulations. Section 83(7) of the Children and Families Act 2014 provides that the provisions of Part 3 of that Act, which include section 67, are to be read as if they were contained in the Education Act 1996 (c.56) (except so far as they amend other Acts).

Citation and commencement

1. These Regulations may be cited as the Education (School Teachers' Qualifications and Induction Arrangements and Special Educational Needs Co-ordinators) (Amendment) Regulations 2016 and come into force on 19th December 2016.

Amendments to the Education (School Teachers' Qualifications) (England) Regulations 2003

2.—(1) The Education (School Teachers' Qualifications) (England) Regulations 2003 [F4] are amended as follows.

(2) In regulation 3 (Interpretation), after the definition of "the 2003 Specified Work Regulations", insert—

""The 2015 European Union Regulations" means the European Union (Recognition of Professional Qualifications) Regulations 2015 [F5];".

(3) After regulation 9 (Mandatory Qualifications for teachers of pupils who are both hearing and visually impaired), insert—

"**Status of teachers from other European states who are qualified only to teach pupils with special educational needs**

9A.—(1) A person described in paragraph 8A of Part 1 of Schedule 2 is a qualified teacher only for the purposes of teaching in a special school [F6] or a specialist unit.

(2) In this regulation, "specialist unit" means an arrangement—

(i) within a school maintained by a local authority which is not a special school; and

(ii) in which children with special educational needs [F7] are taught wholly or mainly within classes designated for such children;".

(4) In paragraph 8 of Part 1 of Schedule 2 (Qualified Teacher Status Requirements), for "the European Union (Recognition of Professional Qualifications) Regulations 2015" substitute " the 2015 European Union Regulations ".

(5) After paragraph 8 of Part 1 of Schedule 2, insert—

"**8A.**—(1) The person is—

(a) entitled to partial access to the profession of school teacher pursuant to Part 2 and Chapters 1, 2 and 4 of Part 3 of the 2015 European Union Regulations by virtue of Part 1 of those Regulations; and

(b) qualified only to teach pupils with special educational needs in the person's home State;

(2) In this paragraph, "home State" has the meaning given in regulation 2(1) of the 2015 European Union Regulations.".

F4 S.I. 2003/1662; the definition of "school" in regulation 3 was amended by S.I. 2010/1172; Schedule 2, paragraph 8 was substituted by S.I. 2007/2782 and amended by S.I. 2015/2059; there are other amendments to S.I. 2003/1662 which are not relevant to these Regulations.

F5 S.I. 2015/2059; amended by S.I. 2016/696.

F6 "Special school" is defined in section 337 of the Education Act 1996 (c.56); section 337 was substituted by the Children and Families Act 2014 (c.6), **Schedule 3**, Part 1, paragraphs 1 and 36. Section 212(2) and (3)(f) of the Education Act 2002 (c.32) provides that sections 119 to 146 of that Act are to be construed as if those provisions were contained in the Education Act 1996.

F7 "Special educational needs" is defined in section 20 of the Children and Families Act 2014 (c.6); section 83(7) of that Act provides that the provisions of Part 3 of the Act, which include section 20, are to be read as if they were contained in the Education Act 1996 (c.56) (except so far as they amend other Acts).

Amendments to the Education (Induction Arrangements for School Teachers) (England) Regulations 2012

3.—(1) The Education (Induction Arrangements for School Teachers) (England) Regulations 2012 [F8] are amended as follows.