Draft Regulations laid before Parliament under section 42(3) of the Teaching and Higher Education Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1999 No.

EDUCATION, ENGLAND AND WALES

The General Teaching Council for England (Constitution) Regulations 1999

Made - - - -

Coming into force

In exercise of the powers conferred on the Secretary of State by sections 1(5) and (7) and 42(6) and (7) of, and paragraph 3 of Schedule 1 to, the Teaching and Higher Education Act 1998(**1**), the Secretary of State for Education and Employment hereby makes the following Regulations, a draft of which has been laid before, and approved by, each House of Parliament:

Citation, commencement and interpretation

1. These Regulations may be cited as the General Teaching Council for England (Constitution) Regulations 1999 and shall come into force on the fourteenth day after the day on which they were made.

2.—(1) In these Regulations–

"the 1988 Act" means the Education Reform Act 1988(**2**);

"the 1996 Act" means the Education Act 1996(**3**);

"the 1998 Act" means the Teaching and Higher Education Act 1998;

"the Council" means the General Teaching Council for England;

"junior pupil" means a child who has not attained the age of 12;

"members" means members of the General Teaching Council for England;

"primary school" has the meaning assigned to it by section 5(1) of the 1996 Act, save that it does not include a special school;

"secondary school" has the meaning assigned to it by section 5(2) of the 1996 Act, save that it does not include a special school;

(**1**) 1998 c. 30; for the meaning of "prescribed" and "regulations" see section 43(1).
(**2**) 1988 c. 40.
(**3**) 1996 c. 56.

"senior pupil" means a person who has attained the age of 12;

"special educational needs" has the meaning assigned to it by section 312(1) of the 1996 Act; and

"special school" has the meaning assigned to it by section 337 of the 1996 Act(**4**).

(2) In these Regulations "teacher" means–

(a) on and after the date of establishment of a register of teachers under section 3 of the 1998 Act, a registered teacher; and

(b) before that date a qualified teacher within the meaning of section 218(2) of the 1988 Act(**5**).

(3) In these Regulations a reference to a regulation is a reference to a regulation contained herein and a reference in a regulation to a paragraph is a reference to a paragraph of that regulation.

Membership

3. The Council shall consist of 63 members comprising elected members elected in accordance with regulations 4 and 6 and appointed members appointed in accordance with regulations 7 to 9.

Elected members

4. The elected members shall comprise–

(a) eleven teachers of senior pupils;

(b) eleven teachers of junior pupils;

(c) one head teacher of a secondary school;

(d) one head teacher of a primary school; and

(e) one teacher at a special school.

Eligibility for election, appointment and to vote in elections

5.—(1) No person shall be eligible for election under regulation 4 or for appointment under regulation 7 or to fill a vacancy among members elected under regulation 4 or appointed under regulation 7 unless–

(a) he is employed or engaged to provide his services as a teacher at the date of his election or appointment to the Council or he has been so employed or engaged within one year preceding that date; and

(b) he has been employed or engaged to provide his services as a teacher for an aggregate period of two years or more in the five years preceding his election or appointment to the Council.

(2) No person shall be eligible for election under regulation 4, for appointment under regulation 7, 8, 9 or 11, or to vote in an election for elected members under a scheme made under regulation 6 at any time when–

(a) his employment as a teacher is prohibited or restricted under regulations made under section 218(6) of the 1988 Act(**6**);

(**4**) Section 337 is prospectively amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.
(**5**) The regulations currently in force under subsection (2) are the Education (Teachers) Regulations 1993 (S.I.1993/543) amended by S.I. 1994/222, 1995/2594, 1997/368 and 2679 and 1998/1584.
(**6**) Section 218(6) was amended by section 290(3) of the Education Act 1993 (c. 35) and the amendment continues to have effect by virtue of paragraph 76(1)(b) of Schedule 37 to the Education Act 1996. The current regulations are the Education (Teachers) Regulations 1993 (S.I. 1993/543): the relevant amending instrument is S.I. 1995/2594.

(b) he is subject to a disciplinary order under Schedule 2 to the 1998 Act by virtue of which he is not eligible for registration as a registered teacher;

(c) he is disqualified from being employed as a teacher in any school by virtue of an order made–

(i) by an Independent Schools Tribunal under section 470 of the 1996 Act, or

(ii) by the Secretary of State under section 471 of the 1996 Act; or

(d) he is ineligible for registration as a teacher, or disqualified from being a teacher in any school, by virtue of any provisions of the law of Scotland or of Northern Ireland.

Scheme for elections

6.—(1) The election of elected members before the establishment of the Council shall be conducted in accordance with an electoral scheme made by the Secretary of State.

(2) Subject to paragraph (1) the election of elected members shall be conducted in accordance with an electoral scheme set out in rules made by the Council with the approval of the Secretary of State.

(3) An electoral scheme under paragraph (1) may be amended or revoked by a subsequent scheme of the Secretary of State and an electoral scheme under paragraph (2) may be amended or revoked by a subsequent scheme of the Council with the approval of the Secretary of State.

(4) An electoral scheme under paragraph (1) or (2) shall include provision for–

(a) the appointment of a returning officer and other staff in connection with the holding of elections;

(b) the making up of a roll of teacher electors in England showing the proposed category of elected member for which each is entitled to vote;

(c) the determination of the category of elected member for which each elector is entitled to vote;

(d) the giving of notice of holding of the elections;

(e) the nomination of candidates; and

(f) any other matter related to the holding of the elections.

(5) Elections shall be held every four years.

Appointed members

7. Nine members shall be appointed as follows–

(a) two members by the Association of Teachers and Lecturers;

(b) two members by the National Association of Schoolmasters Union of Women Teachers;

(c) two members by the National Union of Teachers;

(d) one member by the National Association of Head Teachers;

(e) one member by the Professional Association of Teachers; and

(f) one member by the Secondary Heads Association.

8. 16 members shall be appointed as follows–

(a) three members by the Local Government Association;

(b) one member by the Association of Chief Education Officers;

(c) one member by the Association of Colleges;

(d) one member by the Catholic Education Service;