STATUTORY RULES OF NORTHERN IRELAND

# 2004 No. 38

# EDUCATION

## The General Teaching Council for Northern Ireland (Registration of Teachers) Regulations (Northern Ireland) 2004

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| *Made - - - -* | *9th February 2004* |
| *Coming into operation* | *5th April 2004* |

The Department of Education, in exercise of the powers conferred on it by Articles 35(1) and (2), 36(1), (3), (4), and (5) and 40(3) and 90(3) of the Education (Northern Ireland) Order 1998(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

## PART I

## INTRODUCTION

### Citation and commencement

**1.** These Regulations may be cited as the General Teaching Council for Northern Ireland (Registration of Teachers) Regulations (Northern Ireland) 2004 and shall come into operation on 5th April 2004.

### Interpretation

**2.** In these Regulations –

"the 1998 Order" means the Education (Northern Ireland) Order 1998;

"equivalent General Teaching Council" means the General Teaching Council for England, the General Teaching Council for Wales or the General Teaching Council for Scotland;

"qualified teacher" means a teacher who has such qualifications as are approved by the Department under regulation 5 of the Teachers (Eligibility) Regulations (Northern Ireland) 1987(**2**);

(**1**) S.I.1998/1759 (N.I. 13) as amended by the Education and Libraries (Northern Ireland) Order 2003 (S.I. 2003/424 (N.I. 12)), Article 35

(**2**) S.R. 1987 No. 266

"the register" means the register of teachers which the Council are required to establish and maintain in accordance with Article 35 of the 1998 Order and these Regulations, and "registration" shall be construed accordingly;

"registered teacher" means a person for the time being registered under Article 35 of the 1998 Order.

# PART II

## REGISTRATION OF TEACHERS

### Disqualification from registration

**3.** For the purposes of Article 35 of the 1998 Order, a person is not eligible for registration if he is not eligible to teach, or disqualified from being a teacher in any school, by virtue of –

(a) section 3(3)(d) of the Teaching and Higher Education Act 1998(**3**);

(b) section 11 of the Teaching Council (Scotland) Act 1965(**4**);

(c) the Teachers' (Eligibility) Regulations (Northern Ireland) 1997(**5**); or

(d) regulations made under Article 36 of the 1998 Order.

### Applications for registration

**4.**—(1) An application for registration shall include –

(a) the teacher number assigned to the applicant by the Department of Education;

(b) the applicant's full name;

(c) the applicant's date of birth;

(d) the applicant's home address or other contact address; and

(e) the date on which the applicant qualified as a teacher.

(2) The Council may make further provision as to-

(a) the form and manner in which applications for registration are to be made; and

(b) the documentary and other evidence which is to accompany applications for registration.

### Registration on establishment of the register

**5.**—(1) On the establishment of the register, the Council may register persons eligible for registration who have not made applications for registration.

(2) The Council shall send written confirmation of their registration to all persons registered under paragraph (1).

(3) The Council shall upon request provide free of charge a copy of the information recorded on the register against the name to a person registered under paragraph (1), if that person so requests.

### Content of register

**6.**—(1) There shall be recorded in the register against the names of those registered in it the matters listed in Schedule 1 for such period (if any) as is specified in that Schedule.

(**3**) 1998 c. 30
(**4**) 1965 c. 19. (Section 11 was amended by Section 50 of the Standards in Scotland's Schools etc (Scotland) Act 2000
(**5**) S.R. 1997 No. 312

(2) The Council may make provision as to additional matters to be recorded in the register.

**Division of register into separate parts**

**7.** The Council may make provision as to the division of the register into separate parts.

**Amending entries on the register**

**8.** The Council may make provision as to the restoration and alteration of entries on the register, and the transfer of entries between different parts of the register.

**Charging of registration fees**

**9.** The Council may make provision –

(a) to charge a fee fixed by it with the approval of the Department in respect of

(i) applications for registration or for the restoration of entries to the register; and

(ii) the retention of entries in the register;

(b) for there to be exceptions where fees are not charged; and

(c) for it to refuse an application for registration until the appropriate fee has been paid.

**Removal of entries from the register**

**10.** The Council may make provision as to the removal of entries from the register where the persons concerned have ceased to be eligible for registration, have failed to pay a registration fee, or otherwise.

**Issue and form of certificates of registration**

**11.** The Council may make provision as to the issuing of certificates of registration to registered teachers, and as to the form of such certificates.

**Public access to the register**

**12.**—(1) The Council may, on request, inform a member of the public whether or not a person is a registered teacher.

(2) The Council may publish the names of teachers on the register in such a manner as the Council may determine.

# PART III

## SUPPLY OF INFORMATION

**Supply of information to teachers**

**13.**—(1) The Council shall supply a registered teacher, at his request, with a copy of the information entered on the register against his name.

(2) The Council shall supply a person about whom it maintains records in accordance with Article 35 of the 1998 Order, at his request, with a copy of such records as it maintains about him pursuant to that Order.

**Supply of information to employers or prospective employers**

**14.**—(1) Subject to paragraph (6) the Council shall if requested by an employer or prospective employer to whom this paragraph applies of –

(a) a registered teacher; or

(b) an unregistered person about whom it maintains records in accordance with an order made under Article 38(3) of the 1998 Order,

supply that employer or prospective employer with the information set out in Schedule 2 in respect of the teacher or person concerned.

(2) Paragraph (1) applies to an employer or prospective employer who is –

(a) an Education and Library Board;

(b) the Council for Catholic Maintained Schools;

(c) the Board of Governors of a voluntary school or a grant-maintained integrated school;

(d) the proprietor of an independent school;

(e) an institution within the higher education sector;

(f) an institution within the further education sector; or

(g) an employment agency supplying teachers.

(3) In relation to a person appointed or being considered for appointment as a teacher at a school maintained or assisted by the Ministry of Defence, the Ministry of Defence shall be treated as an employer to whom paragraph (1) applies.

(4) An employer or prospective employer to whom paragraph (1) applies or is to be treated as such employer or prospective employer shall not disclose information supplied under this regulation to any person other than the teacher or person to whom the information relates.

(5) Paragraph (4) does not prevent an Education and Library Board or the Council for Catholic Maintained Schools from disclosing information supplied to either of them under this regulation to the governing body of the school at which the person concerned is or is proposed to be employed.

(6) Information may only be supplied under this regulation for reasons relating to a person's employment or prospective employment as a teacher.

(7) The supply of any information under paragraph (1) shall be subject to the condition that the information is only to be used for the purposes of ascertaining the suitability of the teacher or unregistered person for employment or continued employment (as the case may be).

**Supply of information to equivalent General Teaching Councils**

**15.**—(1) The Council shall on request supply the information set out in Schedule 2 in relation to –

(a) a registered teacher; or

(b) an unregistered person about whom it maintains records in accordance with an order under Article 38(3)

to an equivalent General Teaching Council.

(2) Information may only be supplied pursuant to paragraph (1) on condition that an equivalent General Teaching Council shall not disclose the information under this regulation to any person other than the teacher or person to whom the information relates.