



# Teaching Council (Scotland) Act 1965 (repealed)

## 1965 CHAPTER 19

### *Disciplinary Provisions*

#### [<sup>F1</sup>11] **Decisions of the Disciplinary Sub-committee**

- (1) Where a registered person—
  - (a) has been convicted (whether in Scotland or elsewhere and irrespective of whether the person was a registered person at the time of conviction) of a relevant offence; or
  - (b) is judged by the Disciplinary Sub-committee to have been guilty of relevant misconduct,or where the Disciplinary Sub-committee is satisfied that the name of such a person has been registered in error in consequence of any false or fraudulent declaration or representation then the sub-committee may, if it thinks fit, direct that—
  - (i) the person's name be removed from the register;
  - (ii) the person shall be subject to a conditional registration order; or
  - (iii) a reprimand shall be recorded against the person's name in the register.
- (2) Where a registered person of whom the Council have received notification under section 9B(a)(ii) or (c) of this Act is judged by the Disciplinary Sub-committee to have been guilty of serious professional incompetence and the Sub-committee is satisfied that the nature of the incompetence is such as to warrant the removal of that person's name from the register, the Sub-committee may direct that it be removed accordingly.
- (3) In subsection (1)(ii) above, the reference to a conditional registration order is to an order of the Disciplinary Sub-committee that the person shall continue to be eligible for registration under section 6(2) of this Act but, for such period as may be specified in the order or for an unlimited time, shall comply with such conditions as to employment as a teacher as may be so specified; and if there is a failure so to comply, the Disciplinary Sub-committee may direct that the person's name be removed from the register.

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*Status: Point in time view as at 01/11/2001. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Teaching Council (Scotland) Act 1965 (repealed), Section 11. (See end of Document for details)*

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- (4) A person in relation to whom a conditional registration order has been made may apply to the Professional Conduct Committee for variation or revocation of a condition specified in the order; and the committee shall, in determining that application, cause notice of its determination to be served on the person and in relation to any such application no person who was a member of the Disciplinary Sub-committee at the time the condition was imposed shall be entitled to take part in the proceedings of the Professional Conduct Committee.
- (5) A notice under subsection (4) above shall include a statement of the sub-committee's reasons for its determination.
- (6) Schedule 2 to this Act shall apply in relation to proceedings under subsection (4) above before the Professional Conduct Committee as it applies to any proceedings before the Disciplinary Sub-committee; except that in so applying paragraph 2 of that Schedule the provisions of that paragraph shall be modified as follows—
- (a) in sub-paragraph (1)—
    - (i) in head (a), the words “under section 10B(2) of this Act” shall be disregarded; and
    - (ii) head (g) shall be disregarded; and
  - (b) sub-paragraph (2) shall be disregarded.
- (7) Where, in the five years which immediately follow the recording, under subsection (1) (iii) above, of a reprimand against a person's name no further direction is made under this section by the Disciplinary Sub-committee in respect of that person, the reprimand shall be removed from the register; but the sub-committee may have regard to any past reprimand in fulfilling its duty under section 10C(1) of this Act even though the reprimand has been so removed.
- (8) Where a person such as is mentioned in any of sub-paragraphs (i) to (iii) of section 10B(1)(b) of this Act has applied to be registered but is as described in paragraph (a) or (b) of subsection (1) above and, in the opinion of the sub-committee, is in consequence unfit to be registered, the sub-committee may direct that the person's application be refused.
- (9) A person whose—
- (a) application for registration has been refused in compliance with a direction—
    - (i) given by virtue of a determination under section 10C(1)(d) of this Act; or
    - (ii) under subsection (8) above; or
  - (b) name is removed from the register in compliance with a direction under subsection (1)(i) or (2) above,
- shall not be entitled to be registered, or as the case may be re-registered, except in compliance with a direction of the Disciplinary Sub-committee.
- (10) The Disciplinary Sub-committee, in directing that a person's application for registration, or re-registration, be refused or that a person's name be removed from the register, may in the direction prohibit the person from applying or, as the case may be, applying again, for a direction under subsection (9) above until the expiration of such period, not exceeding twelve months from the date of the direction, as may be specified in the prohibition.
- (11) When the Disciplinary Sub-committee directs that a person's application for registration or re-registration be refused, or that a person's name be removed from the

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register, the sub-committee shall serve on the person notice of the direction; and any such notice shall include a statement of—

- (a) the facts found proven in the proceedings before the sub-committee; and
- (b) the reasons for the direction.]

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**Textual Amendments**

**F1** Ss. 10-11B substituted for ss. 10, 11 (1.11.2001 for specified purposes and otherwise *prosp.*) by 2000 asp 6, s. 50; S.S.I. 2000/361, art. 3(2), Sch, Pt. II (subject to transitional provisions in art. 4)

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