



Teaching Council (Scotland) Act 1965 (repealed)

1965 CHAPTER 19

Register of Teachers

7 Conditions for recommendation for registration.

[^{F1}(1) Subject to the following provisions of this section, the Secretary of State may make regulations as to—

- (a) the provision of education and training for teachers in relevant institutions;
- (b) the admission of students to courses of education and training for teachers;
- (c) matters connected with the recommendation of students by the governing bodies of such institutions to the Council for registration; and
- (d) so far as it relates to the matters mentioned in paragraphs (b) and (c) above, the fitness of persons to become teachers.

(2) Regulations under subsection (1) above may contain provision—

- (a) as to the content, nature and duration of courses of education and training for teachers provided by relevant institutions and as to requirements for the assessment of students participating in such courses;
- (b) as to the functions of the governing bodies, the principals and members of staff of relevant institutions;
- (c) after consultation with the Council, conferring on the Council such functions as the Secretary of State considers appropriate; and
- (d) as to such matters as are to be determined or approved by the Secretary of State or by such persons as may be prescribed,

and such regulations may make different provision for different institutions or classes of institution and for different circumstances.]

(3) Without prejudice to section 4 of this Act the Secretary of State shall, before making regulations under this section, consider any relevant recommendation and, unless he considers it inexpedient to do so, shall make regulations under this section giving effect

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to that recommendation, or, if any modification to the recommendation is approved both by the Secretary of State and by the Council, the recommendation as so modified.

- (4) If the Secretary of State considers that it is inexpedient to make regulations giving effect to any relevant recommendation, but no modification thereof is approved as aforesaid and the recommendation is not withdrawn, the Secretary of State may either—
- (a) refuse to make regulations giving effect to the recommendation, or
 - (b) make regulations giving effect to the recommendation modified in such manner as he thinks fit.
- (5) If the Secretary of State proposes to make regulations under this section otherwise than in consequence of a relevant recommendation he shall, before publishing a draft thereof in pursuance of [^{F2}subsection (8A) of this section], afford to the Council an opportunity of considering the draft and shall have regard to representations made by them.
- (6) If the Secretary of State refuses to make regulations under this section giving effect to a relevant recommendation he shall, as soon as may be, publish in such manner as he thinks fit a statement of the terms of the recommendation and his reasons for refusing to make regulations giving effect to it.
- (7) If the Secretary of State proposes to make regulations under this section—
- (a) in the circumstances mentioned in subsection (4)(b) above, or
 - (b) in the circumstances mentioned in subsection (5) above, and without giving effect to any representations made by the Council under that subsection,
- he shall, when publishing a draft of the regulations in pursuance of [^{F3}subsection (8A) of this section], publish in such manner as he thinks fit a statement of the terms of the relevant recommendation, his reasons for modifying it and, if the Council have notified him of any objections to the modifications, those objections; or, as the case may be, a statement of any representations made by the Council under the said subsection (5) and his reasons for not giving effect to them.
- (8) [^{F4}Subsections (1), (4) and (5) of section 144 of the Act of 1962] shall apply to the making of regulations under this section as [^{F4}they apply] to the making of the regulations referred to in that section.
- [^{F5}(8A) The Secretary of State shall, not less than forty days before making regulations under this section, cause a draft of the regulations to be published and send a copy thereof to every education authority, and shall have regard to any representations made by an education authority or by any person interested before he makes the regulations; and the regulations may be made in the same form as in the published draft or in an amended form.]
- (9) In this section “relevant recommendation” means a recommendation made by the Council under section 2(2) of this Act.

Textual Amendments

- F1** S. 7(1)(2) substituted (16.5.1992) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. [55\(2\)](#); S.I. 1992/817, art. 3(2), [Sch.1](#).
- F2** Words substituted by [Education \(Scotland\) Act 1969 \(c. 49\)](#), [Sch. 2 Pt. II para. 2\(a\)](#)
- F3** Words substituted by [Education \(Scotland\) Act 1969 \(c. 49\)](#), [Sch. 2 Pt. II para. 2\(b\)](#)
- F4** Words substituted by [Education \(Scotland\) Act 1969 \(c. 49\)](#), [Sch. 2 Pt. II para. 2\(c\)](#)

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F5 S. 7(8A) inserted by Education (Scotland) Act 1969 (c. 49), **Sch. 2 Pt. II para. 2(d)**

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