

Status: Point in time view as at 01/04/2002. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Teaching and Higher Education Act 1998, SCHEDULE 1 is up to date with all changes known to be in force on or before 20 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 1

Section 1(9).

GENERAL TEACHING COUNCIL FOR ENGLAND

Textual Amendments

- F1** [Sch. 1](#) applied (with modifications) (30.12.1998) by [S.I. 1998/2911](#), [art.3](#) (as amended (31.3.2003) by 2002/2940, art. 2)

Status of Council

- 1 The Council shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the property of the Council shall not be regarded as property of, or property held on behalf of, the Crown.

Powers

- 2 (1) The Council may, subject to sub-paragraph (3), do anything which is calculated to facilitate, or is incidental or conducive to, the carrying out of any of their functions.
- (2) In particular, the Council may—
- (a) acquire and dispose of land or other property;
 - (b) enter into contracts;
 - (c) invest sums not immediately required for the purpose of carrying out their functions;
 - (d) accept gifts of money, land or other property;
 - (e) form bodies corporate or associated or other bodies which are not bodies corporate;
 - (f) enter into joint ventures with other persons;
 - (g) subscribe for shares and stock; and
 - (h) borrow money.
- (3) The consent of the Secretary of State is required for the exercise of any power conferred by sub-paragraph (2)(e), (f), (g) or (h).

Chairman and members of Council

- 3 (1) Regulations may make provision with respect to—
- (a) the appointment or election of one of the members of the Council to be chairman of the Council,
 - (b) the period for which the chairman is to hold office, and
 - (c) the appointment or election and tenure of office of, and the vacation of office by, members of the Council.

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- (2) Regulations made under this paragraph before the establishment of the Council may enable the Secretary of State to make provision with respect to any of the matters referred to in sub-paragraph (1); but regulations made under this paragraph after the Council have been established may authorise the Council to make rules with respect to any such matters.

Salaries, allowances, pensions and other payments

- 4 (1) The Council—
- (a) shall pay to their members such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine, and
 - (b) shall, as regards any member in whose case the Secretary of State may so determine, pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (2) If a person ceases to be a member of the Council and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the Council to make to that person a payment of such amount as the Secretary of State may determine.
- (3) The Council shall pay to the members of any of their committees who are not members of the Council such travelling, subsistence and other allowances as the Secretary of State may determine.
- (4) The Council may pay to the employer of a person who is a member of the Council (or a member of any of their committees but not a member of the Council) such compensation in respect of the loss of that person's services as the Secretary of State may determine.

Staff

- 5 (1) The Council may (subject to sub-paragraph (5)) appoint a chief officer and such other employees as they think fit.
- (2) The Council shall pay to their employees such remuneration and allowances as the Council may determine.
- (3) The employees shall be appointed on such other terms and conditions as the Council may determine.
- (4) A determination under sub-paragraph (2) or (3) requires the approval of the Secretary of State.
- (5) The Secretary of State shall appoint the first chief officer who shall be employed on such terms and conditions as the Secretary of State may determine.
- 6 (1) The Council, with the consent of the Secretary of State, may—
- (a) pay, or make payments in respect of, pensions or gratuities to or in respect of employees or former employees;
 - (b) provide and maintain such schemes (whether contributory or not) for the payment of pensions and gratuities to or in respect of employees or former employees.

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- (2) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.
- (3) If any person—
- (a) on ceasing to be employed by the Council, becomes or continues to be one of their members, and
 - (b) was, by reference to his employment, a participant in a pension scheme maintained by the Council,
- the Council may, with the consent of the Secretary of State, make provision for that person to continue to participate in that scheme, on such terms and conditions as they may with the consent of the Secretary of State determine, as if his service as a member were service as an employee; and any such provision shall be without prejudice to paragraph 4.
- 7 (1) Employment with the Council shall be included among the kinds of employment to which a scheme under section 1 of the ^{M1}Superannuation Act 1972 can apply.
- (2) The Council shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.
- (3) Where an employee of the Council is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the Council, the Secretary of State may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee (whether or not any benefits are payable to or in respect of him by virtue of paragraph 4).

Marginal Citations

M1 1972 c. 11.

Finance

- 8 The Secretary of State may make grants to the Council of such amounts and subject to such terms and conditions as he may determine.

Committees

- 9 (1) The Council—
- (a) may establish a committee for any purpose; and
 - (b) if so required by regulations, shall establish such committees for such purposes as are specified in the regulations.
- (2) Subject to sub-paragraph (3), the Council shall determine the number of members which a committee established under this paragraph are to have, and the terms on which they are to hold and vacate office.
- (3) Regulations under sub-paragraph (1)(b) may make provision as to—
- (a) the membership of a committee established under the regulations;

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- (b) the terms on which such a committee's members are to hold and vacate office; and
 - (c) the procedure of any such committee;
- and such regulations may authorise the Council to make provision with respect to any matter as to which provision may be made by those regulations.
- (4) Subject to such conditions as may be imposed by such regulations, the Council may include on a committee persons who are not members of the Council.

Delegation of functions

- 10 (1) The Council may authorise the chairman, the chief officer or any committee established under paragraph 9 to exercise such of their functions as they may determine.
- (2) Sub-paragraph (1) has effect without prejudice to any power to authorise an employee of the Council to carry out any of the Council's activities on behalf of the Council.

Proceedings

- 11 (1) The following persons, namely—
- (a) two representatives of the Secretary of State, and
 - (b) one representative of such body as the Secretary of State may designate,
- shall be entitled to attend and take part in deliberations (but not in decisions) at meetings of the Council or of any committee of the Council.
- (2) The Council shall provide the Secretary of State with such copies of any documents distributed to members of the Council or of any such committee as he may require.
- 12 The validity of the Council's proceedings shall not be affected by a vacancy among the members or any defect in the appointment of a member.
- 13 Subject to the preceding provisions of this Schedule, the Council may regulate their own procedure and that of any of their committees.

Accounts

- 14 (1) It shall be the duty of the Council—
- (a) to keep proper accounts and proper records in relation to the accounts,
 - (b) to prepare in respect of each financial year of the Council a statement of accounts, and
 - (c) to send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The statement of accounts shall comply with any directions given by the Secretary of State as to—
- (a) the information to be contained in it,
 - (b) the manner in which the information contained in it is to be presented, or
 - (c) the methods and principles according to which the statement is to be prepared,
- and shall contain such additional information as the Secretary of State may require to be provided for the information of Parliament.

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- (3) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.
- (4) In this paragraph “financial year” means the period beginning with the date on which the Council are established and ending with the 31st March following that date, and each successive period of twelve months.

Modifications etc. (not altering text)

- C1** Sch. 1 para. 14: functions transferred (1.8.2001) by S.I. 2001/2479, art. 2(1)
C2 Sch. 1 para. 14(3) modified (1.8.2001) by S.I. 2001/2479, art. 2(2)

Annual reports

- 15 The Council—
- (a) shall make an annual report to the Secretary of State, who shall lay a copy of it before each House of Parliament; and
 - (b) may arrange for any such report to be published in such manner as the Council consider appropriate.

Application of seal and proof of instruments

- 16 The application of the seal of the Council shall be authenticated by the signature—
- (a) of the chairman or of some other person authorised either generally or specially by the Council to act for that purpose, and
 - (b) of one other member.
- 17 Every document purporting to be an instrument made or issued by or on behalf of the Council and to be duly executed under the seal of the Council, or to be signed or executed by a person authorised by the Council to act in that behalf, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

VALID FROM 01/10/2002

Power to amend Schedule

- [^{F2}18 (1) The Secretary of State may by order amend the preceding provisions of this Schedule for the purpose of removing or relaxing any control exercisable by him by virtue of any of the provisions of this Schedule specified in sub-paragraph (2).
- (2) Those provisions are—
- (a) paragraph 2(3),
 - (b) paragraph 4,
 - (c) paragraph 5,
 - (d) paragraph 6,
 - (e) paragraph 11
 - (f) paragraph 14(2).]

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Textual Amendments

- F2** Sch. 1 para. 18 inserted (1.10.2002 for E. and otherwise *prosp.*) by 2002 c. 32, ss. 148, 216, **Sch. 12 para. 11** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

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