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 STATUTORY INSTRUMENTS
 

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1968 No. 1055 (S.118)

## EDUCATION, SCOTLAND

**The Schools (Scotland) Code (Amendment No. 1)  
Regulations 1968**

<i>Made</i>	- - -	2nd July 1968
<i>Laid before Parliament</i>		12th July 1968
<i>Coming into Operation</i>		1st August 1968

In exercise of the powers conferred upon me by sections 1(2) and 144(5) of the Education (Scotland) Act 1962(a), and of all other powers enabling me in that behalf and after causing a draft of the regulations to be published and sending a copy thereof to every education authority and having regard to the representations made, in accordance with section 144(2) of the said Act, I hereby make the following regulations :—

*Citation, interpretation and commencement*

1. These regulations, which may be cited as the Schools (Scotland) Code (Amendment No. 1) Regulations 1968, shall be read as one with the Schools (Scotland) Code 1956(b) as amended (c) (hereinafter referred to as the “principal regulations”) and shall come into operation on 1st August 1968.

*Amendment of regulation 1 of the principal regulations*

2. In regulation 1(1) of the principal regulations—

(1) after sub-paragraph (e) there shall be inserted the following sub-paragraph :—

“(ee) “Conditionally registered teacher” means a teacher conditionally registered under the Teaching Council (Scotland) Act 1965(d);”;

(2) after sub-paragraph (jj) there shall be inserted the following sub-paragraph :—

“(jjj) “Reference panel” means a panel constituted by the Secretary of State after consultation with the General Teaching Council for Scotland and with associations representing the interests of education authorities and of teachers ;”.

*Amendment of regulation 4 of the principal regulations*

3. In regulation 4 of the principal regulations—

(1) in paragraph (3)(b) for the words “an unregistered” there shall be substituted the words “a conditionally registered” ; and

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(a) 1962 c. 47.

(b) S.I. 1956/894 (1956 I, p. 735).

(c) The relevant amending instrument is S.I. 1967/1162 (1967 II, p. 3396).

(d) 1965 c. 19.

- (2) paragraph (4) shall be omitted and there shall be substituted the following paragraphs:—

“(4) Where a registered teacher or a conditionally registered teacher cannot be obtained to fill a teaching post in a special school or in a secondary school or department, the authority may appoint some other person temporarily to fill the post, provided that—

(a) as soon as practicable the authority shall report the appointment to the reference panel ;

(b) the authority shall forthwith discontinue the appointment if the reference panel, having regard to all the relevant circumstances, determine that it shall not be approved ;

and

(c) if the appointment is not disapproved as aforesaid, the authority may continue it at their discretion for a period of not more than twelve months from the date on which it was made, but they shall take all practicable steps to obtain a registered teacher or a conditionally registered teacher to fill the post.

(5) Paragraph (4) of this regulation shall, if not previously revoked, have effect for a period not exceeding five years from 1st August 1968.”

*William Ross,*  
One of Her Majesty's  
Principal Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.  
2nd July 1968.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

This amendment to the Schools (Scotland) Code 1956 restricts from 1st August 1968 teaching employment in primary schools (other than special schools) to teachers who are either registered or conditionally registered by the General Teaching Council. This restriction applies also in secondary schools and special schools except that, for a period not exceeding five years, authorities are permitted, where the services of a registered or conditionally registered teacher cannot be obtained, to appoint some other person on a temporary basis. Such an appointment must however be reported to a reference panel constituted by the Secretary of State ; and where it is disapproved by the panel, the employment of the teacher must be terminated. In any event the appointment cannot exceed one year without further review by the panel.