
STATUTORY INSTRUMENTS

1995 No. 602

The Education (Teachers) (Amendment) Regulations 1995

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Teachers) (Amendment) Regulations 1995 and shall come into force on 1st April 1995.

(2) Any reference in these Regulations to the principal Regulations is a reference to the Education (Teachers) Regulations 1993⁽¹⁾.

Amendment of the principal Regulations

2. The following amendments shall be made to regulation 3 of the principal Regulations (schools and institutions to which the principal Regulations apply and interpretation)—

(a) in paragraph (1) there shall be inserted new sub-paragraphs as follows—

“(aa) a reference to a special school not maintained by a local education authority includes a grant-maintained special school;

(aaa) a reference to a grant-maintained school includes a school conducted by an education association⁽²⁾ and a reference to a governing body includes an education association;”;

(b) in paragraph (2)—

(i) in the definition of “authorisation”, after “Secretary of State” there shall be inserted “or the Teacher Training Agency⁽³⁾”;

(ii) in the definition of “licence”, after “Secretary of State” there shall be inserted “or the Teacher Training Agency”;

(iii) after the definition of “overseas trained teacher” there shall be inserted the following definition—

““pupil referral unit” means a school such as is described in section 298(2) of the Education Act 1993;”;

(iv) for the definition of “recommending body” there shall be substituted—

““recommending body” has the meaning assigned thereto by regulation 3A;”;

(v) in the definition of “registration”⁽⁴⁾, after “Secretary of State” there shall be inserted “or the Teacher Training Agency”.

3. After regulation 3 of the principal Regulations there shall be inserted the following regulation—

“**3A.**—(1) In these Regulations “recommending body” means—

(1) S.I.1993/543; amended by S.I. 1993/1969, 1994/222 and section 14(2) of the Education Act 1994 and modified by S.I. 1994/2103.

(2) See sections 221(4) and 218(7)(a) of the Education Act 1993.

(3) The Teacher Training Agency was established under section 1 of the Education Act 1994.

(4) Inserted by S.I. 1994/222.

- (a) subject to sub-paragraph (b)—
 - (i) where the person named in the recommendation is employed or is to be employed at a single school, except a pupil referral unit, the governing body of that school, or
 - (ii) where the person named in the recommendation is employed or is to be employed wholly or mainly at a pupil referral unit, the maintaining local education authority; or
- (b) in relation to a recommending body in England where the licence or authorisation was granted before 1st April 1995 and in relation to a recommending body in Wales—
 - (i) subject to (iii) below, where the person named in the recommendation is employed or is to be employed at a school maintained by a local education authority, except a pupil referral unit, which has a delegated budget, a special school not so maintained or a grant-maintained school, the governing body of that school;
 - (ii) subject to (iii) below, where the person named in the recommendation is employed or is to be employed at a school maintained by a local education authority which does not have a delegated budget, or at a pupil referral unit, that maintaining local education authority; or
 - (iii) where the person named in the recommendation is employed or is to be employed at more than one school maintained by the same local education authority, that maintaining local education authority,

and any reference to a school which has a delegated budget shall be construed in accordance with section 33(6)(b) of the Education Reform Act 1988.

(2) References in these Regulations to a recommending body in England and Wales are to a local education authority or the governing body of a school in England or, as the case may be, in Wales.”.

4.—(1) For Parts II and III of Schedule 2 to the principal Regulations there shall be substituted the new Parts II and III set out in Schedule 1 to these Regulations.

(2) For Schedule 3 to the principal Regulations there shall be substituted the new Schedule 3 set out in Schedule 2 to these Regulations.

Transitional provisions

5.—(1) The substitution of new Parts II and III of Schedule 2 to the principal Regulations by regulation 4(1) above shall not relieve a recommending body of any obligation to report certain facts to the Secretary of State under paragraph 11 or 19 of the said Schedule in the form in which they existed before these Regulations came into force.

(2) The substitution of a new Part II in Schedule 3 to the principal Regulations by regulation 4(2) above shall not—

- (a) affect any registration by the Secretary of State in accordance with the said Part II in the form in which it existed before these Regulations came into force, other than as specified in that Part as so substituted; and
- (b) relieve a person carrying on a city college, as defined in the principal Regulations, of any obligation to report certain facts to the Secretary of State under paragraph 8 of the said Schedule 3 in the form in which it existed before these Regulations came into force.

Amendment and revocation

6.—(1) The Education (Teachers) (Amendment) Regulations 1994⁽⁵⁾ shall be amended by the revocation of regulation 4.

(2) The Education (Pupil Referral Units) (Application of Enactments) Regulations 1994⁽⁶⁾ shall be amended by the revocation of—

- (a) paragraph 6(1) in Part II of Schedule 1; and
- (b) the words “and 4 to 11” in paragraph 4 of Schedule 2.

⁽⁵⁾ S.I. 1994/222.
⁽⁶⁾ S.I. 1994/2103.