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STATUTORY INSTRUMENTS

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**1997 No. 368**

**EDUCATION, ENGLAND AND WALES**

**The Education (Teachers) (Amendment) Regulations 1997**

*Made - - - - 17th February 1997*

*Laid before Parliament 19th February 1997*

*Coming into force*

*Except for regulation 3 1st April 1997*

*Regulation 3 1st September 1997*

In exercise of the powers conferred on the Secretary of State by sections 218(2), (2A) and (5) and 232(5) of the Education Reform Act 1988(1), the Secretary of State for Education and Employment hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (Teachers) (Amendment) Regulations 1997 and this regulation and regulation 2 shall come into force on 1st April 1997 and regulation 3 shall come into force on 1st September 1997.

**Amendment of the Education (Teachers) Regulations 1993**

2. Regulation 8 of the Education (Teachers) Regulations 1993(2) shall be amended—

(a) by the insertion at the beginning of paragraph (1) of the words “Subject to paragraph (3),”;  
and

(b) by the addition of new paragraphs as follows:

“(3) A person who is in receipt of a retirement pension by virtue of regulation E4(6) of the Teachers’ Superannuation (Consolidation) Regulations 1988(3) (ill health retirement) shall not be regarded as having the health and physical capacity to be appointed to relevant employment or to be engaged to provide his services as a teacher at a school or further education institution otherwise than under a contract of employment, save that a person

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(1) 1988 c. 40. Section 218(2A) was inserted by section 14(1) of the Education Act 1994 (c. 30). See section 579(1) of the Education Act 1996 (c. 56) for the meaning of “prescribed.”

(2) S.I. 1993/543.

(3) S.I. 1988/1652; the relevant amending instrument is S.I. 1997/312.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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whose entitlement to such pension took effect before 1st April 1997 may be so appointed or engaged to serve part-time.

(4) Nothing in paragraph (3) prevents the appointment or engagement of a person who has ceased to be incapacitated and whose retirement pension has for that reason ceased to be payable.”.

**3.** For the definition of “accredited institution” in paragraph 2(2) of Schedule 3 to the Education (Teachers) Regulations 1993<sup>(4)</sup> there shall be substituted the following—

“an “accredited institution” means an institution accredited by the Teacher Training Agency or, in Wales, by the Higher Education Funding Council for Wales, as a provider of courses satisfying such provisions as to curricula and other criteria as may from time to time be specified by the Secretary of State.”.

17th February 1997

*Gillian Shephard*  
Secretary of State for Education and  
Employment.

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(4) [S.I. 1993/543](#); Schedule 3 was substituted by [S.I. 1995/602](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 of these Regulations comes into force on 1st April 1997 and amends regulation 8 of the Education (Teachers) Regulations 1993 (“the 1993 Regulations”). It provides that a person in receipt of an ill-health retirement pension under the Teachers’ Superannuation (Consolidation) Regulations 1988 is not, with one exception, to be regarded as having the health and physical capacity to be appointed to relevant employment or to be engaged to provide his services as a teacher at a school or further education institution otherwise than under a contract of employment.

“School” is defined in the 1993 Regulations as a school maintained by a local education authority, a special school not so maintained or a grant-maintained school. “Further education institution” is there defined as an institution, not being a school, which provides further education and is either maintained by a local education authority or is within the further education sector.

Relevant employment is defined in the 1993 Regulations as employment:

- (a) by a local education authority, as a teacher (whether or not at a school or further education institution) or as a worker with children or young persons;
- (b) by any other body, as a teacher at a school or further education institution; or
- (c) by the governing body of a school or further education institution as a worker with children or young persons.

Nothing in regulation 2 prevents the appointment or engagement of a person who has ceased to be incapacitated and whose retirement pension has for that reason ceased to be payable.

Regulation 3 comes into force on 1st September 1997 and amends the definition of “accredited institution” in the 1993 Regulations.