

2003 No. 1709

EDUCATION, ENGLAND AND WALES

**The Education (School Teachers' Prescribed Qualifications, etc)
Order 2003**

<i>Made</i> - - - -	<i>10th July 2003</i>
<i>Laid before Parliament</i>	<i>10th July 2003</i>
<i>Coming into force</i> - -	<i>1st August 2003</i>

In exercise of the powers conferred on the Secretary of State by sections 122(5) and 210 of the Education Act 2002(a) and having consulted, in accordance with section 126 of that Act, such associations of local education authorities, such local education authorities, such bodies representing the interests of governing bodies of schools and such bodies representing the interests of teachers as appeared to him to be appropriate having regard to the contents of this Order, the Secretary of State for Education and Skills hereby makes the following Order:

Citation, commencement and application

1. This Order may be cited as The Education (School Teachers' Prescribed Qualifications, etc) Order 2003 and shall come into force on 1st August 2003.
2. This Order applies in relation to England and Wales.

Interpretation

3. In this Order –
 - “the Act” means the Education Act 2002;
 - “the 1982 Regulations” means the Education (Teachers) Regulations 1982(b);
 - “the 1993 Regulations” means the Education (Teachers) Regulations 1993(c);
 - “the 1999 Regulations for England” means the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999(d);
 - “the 1999 Regulations for Wales” means the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999(e);
 - “the 2003 Qualifications Regulations” means the Education (School Teachers' Qualifications) (England) Regulations 2003(f);

(a) 2002 c.32.
(b) S.I. 1982/106 as amended by S.I. 1988/542 and 1989/329.
(c) S.I. 1993/543 as amended by S.I. 1997/368, 1997/2679 and 1998/1584.
(d) S.I. 1999/2166 as amended by S.I. 2000/2704, 2001/1391, 2001/2896, 2001/3737, 2002/1434 and 2003/107.
(e) S.I. 1999/2817 as amended by S.I. 2002/1663, 2002/2938 and 2003/140.
(f) S.I. 2003/1662.

“accredited institution” means an institution accredited by the Teacher Training Agency under regulation 11 of the 2003 Qualifications Regulations or an institution accredited by virtue of regulations made in relation to Wales under section 132 of the Education Act 2002 or, until any such regulations come into force, an institution accredited by the Higher Education Funding Council for Wales under paragraph 2 of Schedule 3 to the 1999 Regulations for Wales;

“employment-based teacher training scheme” means a scheme established by the Secretary of State under paragraph 19 of Schedule 2 to the 1999 Regulations for England or paragraph 10 of Schedule 2 to the 2003 Qualifications Regulations or any equivalent scheme established by the National Assembly for Wales pursuant to Regulations made under section 132 of the Act^(a);

“graduate teacher” means a person who has been granted an authorisation to teach in accordance with paragraphs 5 to 11 of Schedule 2 to the 1999 Regulations for England before 1st September 2002 or paragraphs 5 to 11 of Schedule 2 the 1999 Regulations for Wales at any time; and

“registered teacher” means a person who has been granted an authorisation to teach in accordance with paragraphs 12 to 18 of Schedule 2 to the 1999 Regulations for England before 1st September 2002 or paragraphs 12 to 18 of Schedule 2 to the 1999 Regulations for Wales at any time.

School teachers’ prescribed qualifications, etc

4. The following qualification is prescribed for the purposes of section 122(5)(a) of the Act, namely one obtained by a person as a result of successfully completing a programme of professional training for teachers in any country outside the United Kingdom which is recognised as such a programme of training by the competent authority in that country.

5. The following kinds of education and the following circumstances (or both) are prescribed for the purposes of section 122(5)(b) of the Act —

(a) education provided by —

- (i) an assistant teacher at a nursery school, or
- (ii) a teacher of a nursery class,

who was permitted to be employed as a teacher by paragraph 4 of Schedule 4 to the 1982 Regulations and was so employed before 1st September 1989;

(b) education provided by a person who is not a qualified teacher which consists of instruction in any art or skill or in any subject or group of subjects (including any form of vocational training) in circumstances where —

- (i) special qualifications or experience or both are required for such instruction,
- (ii) the local education authority (in the case of a school which has no delegated budget or a pupil referral unit), the governing body acting with the consent of the local education authority (in the case of a school which has a delegated budget), or the governing body (in the case of a special school not maintained by a local education authority) are satisfied as to his qualifications or experience or both, and

(iii) no suitable qualified teacher, graduate teacher, registered teacher or teacher on an employment-based teacher training scheme is available for such instruction;

(c) education provided by a person who was granted a licence under the provisions of Part II of Schedule 2 to the 1993 Regulations, as they applied before amendment by the Education (Teachers) (Amendment) (No.2) Regulations 1997^(b); and

(d) education provided by a person aged over 18 years who either —

^(a) At the time of making this Order no regulations have been made in relation to Wales under section 132 of the Act.

^(b) S.I. 1997/2679.

- (i) has been accepted for admission to a course of initial teacher training at an accredited institution in England or Wales, and is awaiting admission to that course, or
- (ii) has been admitted to such a course but has failed satisfactorily to complete it by the date at the end of the period ordinarily required therefor, but during the next year following that date is continuing the course with a view to so completing it within that year.

6. The following kinds of training undertaken with a view to becoming a qualified teacher are prescribed for the purposes of section 122(5)(c) of the Act —

- (a) training undertaken as a result of being granted an authorisation to teach in accordance with paragraphs 5 to 11 of Schedule 2 to the 1999 Regulations for England or the 1999 Regulations for Wales;
- (b) training undertaken as a result of being granted an authorisation to teach in accordance with paragraphs 12 to 18 of Schedule 2 to the 1999 Regulations for England or the 1999 Regulations for Wales; and
- (c) training undertaken for the purposes of an employment-based teacher training scheme.

7.—(1) The following class of persons is prescribed for the purposes of section 122(5)(e) of the Act, namely persons over the age of 18 years, who are required to pass the teacher trainee skills tests in order to satisfy the specified standards in relation to qualifying as a teacher; and who

- (a) would have been notified by the Secretary of State in accordance with paragraph 1(1)(b) of Schedule 3 to the 1999 Regulations for England, as being a person mentioned in paragraphs 2, 7, 7A or 9 of Schedule 3 to those Regulations, or
- (b) are mentioned in paragraphs 7, 9, or 10 of Schedule 2 to the 2003 Qualifications Regulations and would have been awarded qualified teacher status by the General Teaching Council for England in accordance with regulation 10 of those Regulations,

but for the fact that they have not passed all the teacher trainee skills tests.

(2) In this article —

- (a) the “specified standards” means such standards as may be specified from time to time by the Secretary of State as the standards required of a person who seeks to become a qualified teacher.
- (b) the “teacher trainee skills tests” means the literacy, numeracy and information and communications technology teacher trainee skills tests administered by or on behalf of the Teacher Training Agency.

10th July 2003

David Miliband
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under section 122(5) of the Education Act 2002 prescribes various matters for the purposes of the definition of school teacher in that section.

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