

2004 No. 1935

EDUCATION, ENGLAND

**The General Teaching Council for England (Constitution)
(Amendment) Regulations 2004**

<i>Made</i> - - - -	<i>22nd July 2004</i>
<i>Laid before Parliament</i>	<i>29th July 2004</i>
<i>Coming into force</i> - -	<i>31st August 2004</i>

Whereas the Secretary of State has, in accordance with section 42(9) of the Teaching and Higher Education Act 1998(a), consulted the General Teaching Council for England:

Now therefore, in exercise of the powers conferred upon the Secretary of State by sections 1(5) and 42(6) of, and paragraph 3 of Schedule 1 to, the Teaching and Higher Education Act 1998(b), the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the General Teaching Council for England (Constitution) (Amendment) Regulations 2004 and come into force on 31st August 2004.

Amendment of the General Teaching Council for England (Constitution) Regulations 1999

2. The General Teaching Council for England (Constitution) Regulations 1999(c) are amended as follows—

- (a) in regulation 2(1)—
 - (i) omit the commencing the definition of “the 1988 Act”; and
 - (ii) after the definition of “the 1998 Act” insert:
““the 2002 Act” means the Education Act 2002(d);”;
- (b) omit regulation 2(2);
- (c) in paragraphs (a), (b) and (e) of regulation 4, before “teacher” insert “registered”(e);
- (d) in paragraphs (c) and (d) of regulation 4, after “school” insert “who is a registered teacher”;
- (e) for regulation 5(2)(a) substitute:

(a) 1998 c.30

(b) By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.

(c) SI 1999/1726 amended by SI 1999/2019.

(d) 2002 c.32.

(e) “Registered teacher” is defined by section 43 of the teaching and Higher education Act 1998.

“(a) he is the subject of a direction given by the Secretary of State under section 142 of the 2002 Act (a);”;

- (f) omit regulation 5(2)(c);
- (g) in regulation 6(4)(b), before “teacher” insert “registered”;
- (h) in regulation 8(g), for “the Committee of Vice-Chancellors and Principals of the Universities of the United Kingdom” substitute “Universities UK”;
- (i) in regulation 10(2), after “appointment” insert “and the Secretary of State may extend the term of office of any member so appointed by such further term of up to five years as he may specify”;
- (j) for regulation 10(5)(a), substitute:

“(a) he is the subject of a direction given by the Secretary of State under section 142 of the 2002 Act;”;

and
- (k) omit regulation 10(5)(c).

22 July 2004

David Miliband
Minister of State
Department for Education and Skills

(a) Regulation 3 of the Education (Prohibition from Teaching or Working with Children) Regulations 2003 (S.I. 2003/1184) makes transitional provision for prohibitions or restrictions on a person’s employment made under section 218 of the Education Reform Act 1988 (as amended) or under section 470 or 471 of the Education Act 1996 (including an order disqualifying a person from being the proprietor of an independent school) to have effect as if contained in a direction under section 142 of the 2002 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the General Teaching Council for England (Constitution) Regulations 1999 to—

- (a) substitute for obsolete references to section 218 of the 1988 Act and to sections 470 and 471 of the 1996 Act references to section 142 of the 2002 Act, which relates to the prohibition from teaching of persons for misconduct or who are otherwise unfit;
- (b) change references to “teachers” in regulations 4 and 6 to “registered teachers”, which is defined by section 43(1) of the Teaching and Higher Education Act 1998; and
- (c) permit the Secretary of State to extend the term of office of the members of the Council whom he appoints under regulation 10 by a further term of up to five years.

STATUTORY INSTRUMENTS

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