

EXPLANATORY MEMORANDUM TO
THE GENERAL TEACHING COUNCIL FOR ENGLAND (CONSTITUTION)
(AMENDMENT) REGULATIONS 2004 No. 1935

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The above Statutory Instrument will:

- i) permit the Secretary of State to extend the terms of office of his appointees to the General Teaching Council for England (“GTC”) by a further term of up to five years;
- ii) update obsolete references in the General Teaching Council for England (Constitution) Regulations 1999; and
- iii) restrict future participation in the elections of teacher members of the GTC to candidates and electors who are registered with the GTC.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The Regulations are made by negative resolution in exercise of the Secretary of State’s powers under section 1(5) of and paragraph 3 of Schedule 1 to the Teaching and Higher Education Act 1998. These powers are exercisable by the Secretary of State only in relation to England, by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 David Miliband, Minister of State for School Standards, has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the General Teaching Council for England (Constitution) (Amendment) Regulations 2004 are compatible with the Convention rights.

7. Policy background

7.1 The GTC has 64 members. 13 members are appointed by the Secretary of State. Each member is usually appointed for between two and five years in order to provide a degree of flexibility and continuity to the Membership.

7.2 On 31 August 2004, the terms of office of five of the Secretary of State's appointees were due to come to an end. At the request of the GTC, the appointments of these appointees will be extended by one year to 31 August 2005. This extension will enable the GTC to maintain business continuity and retain expertise during a period of considerable change. The introduction of this instrument will give these extended appointments legal force. It will also provide the Secretary of State with the flexibility to extend the appointments of any of his appointees by a full term of office if circumstances require it in future years.

7.3 The opportunity has been taken at the same time to update references in the 1999 Regulations to statutory provisions that have been revoked and replaced by provisions in the Education Act 2002. The references concern, in the main, the disqualification from participating in an election of teacher members, either as voters or as candidates, who are the subject of directions given by the Secretary of State under section 142 of the 2002 Act (teachers' misconduct).

7.4 In addition, participation in elections will from now on be restricted to teachers who are registered with the GTC. This change has been made possible as a result of the successful programme of teacher registration conducted since the GTC was first established.

7.5 There is no public interest in this policy.

7.6 This instrument is being introduced for legal reasons.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There will be no impact on the public sector.

9. Contact

9.1 Steve Palmer at the Department for Education and Skills Tel: 020 7925 6126 or e-mail: steve.palmer@dfes.gsi.gov.uk can answer any queries regarding the instrument.

Signed

Dated

David Miliband
Minister of State, Department for Education and Skills