STATUTORY INSTRUMENTS

2008 No. 1883

EDUCATION, ENGLAND

The Education (Specified Work and Registration) (England) (Amendment) Regulations 2008

Made - - - -	*15th July 2008*
Laid before Parliament	*22nd July 2008*
Coming into force - -	*1st September 2008*

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 134, 145 and 210 of the Education Act 2002(**a**):

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Specified Work and Registration) (England) (Amendment) Regulations 2008 and come into force on 1st September 2008.

(2) They apply only in relation to England.

Amendments to the Education (Specified Work and Registration) (England) Regulations 2003

2. The Education (Specified Work and Registration) (England) Regulations 2003(**b**) are amended in accordance with the following regulations.

3. In regulation 3, delete "and" at the end of the definition of "the 2003 Regulations" and after that definition insert—

> ""employment-based teacher training scheme" means the scheme established by the Secretary of State under paragraph 19 of Schedule 2 to the 1999 Regulations or paragraph 10 of Schedule 2 to the 2003 Regulations;".

4.—(1) In regulation 7, after "mentioned in" insert "Part 1 of".

(2) After regulation 7 insert—

> "**8.**—(1) Subject to the exception mentioned in Part 2 of Schedule 3, a person who is not a qualified teacher may carry out specified work in a school in reliance upon satisfying the conditions specified in paragraph 9 of Schedule 2 only if that person is registered with provisional registration under section 3 of the 1998 Act.
>
> (2) Subject to the exception mentioned in Part 2 of Schedule 3, on or after 1st September 2009 a person who is not a qualified teacher may carry out specified work in a school in reliance upon satisfying the conditions and requirements specified in paragraph 2, 4 or 5 of

(**a**) 2002 c. 32. For the meaning of "regulations" see section 212(1).
(**b**) S.I. 2003/1663, as amended by S.I. 2007/2117 and S.I. 2007/2782.

Schedule 2 only if that person is registered with provisional registration under section 3 of the 1998 Act.

9.—(1) Subject to paragraph (2) and the exception mentioned in Part 3 of Schedule 3, a person may undertake a course of training with a view to becoming a qualified teacher only if that person is registered with provisional registration under section 3 of the 1998 Act.

(2) This regulation does not apply to any course of training on the employment-based teacher training scheme.".

5. In paragraph 1 of Schedule 2 delete the definition of "employment-based teacher training scheme".

6. For Schedule 3 substitute—

"SCHEDULE 3 Regulations 7 to 9

Exceptions to the Requirements to be Registered

PART 1

Exceptions under regulation 7

1.—(1) A qualified teacher who meets the conditions in sub-paragraph (2) is excepted from the requirement to be registered with full registration under regulation 7.

(2) The conditions are that—

(a) a decision has been made under any of the regulations mentioned in sub-paragraph (3) that the person has failed satisfactorily to complete an induction period;

(b) the person is appealing against that decision; and

(c) the appeal has not been determined or withdrawn.

(3) The regulations referred to in sub-paragraph (2)(a) are—

(a) the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001(**a**);

(b) the Education (Induction Arrangements for School Teachers) (England) Regulations 2008(**b**); and

(c) the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003(**c**).

2.—(1) This paragraph applies to a qualified teacher who takes up a post as a teacher at a school—

(a) for the first time; or

(b) following a break in service as a teacher of at least one school term.

(2) Such a person is excepted from the requirement to be registered with full registration under regulation 7 for a period of four weeks starting on the date on which that person takes up the post, provided the person makes an application for full registration in accordance with regulations under section 4 of the 1998 Act (regulations relating to registration) before that date.

(**a**) S.I. 2001/2897, as amended by S.I. 2001/3938. These Regulations were revoked with savings by S.I. 2008/657.
(**b**) S.I. 2008/657.
(**c**) S.I. 2003/543.

3. A teacher who is a qualified teacher by virtue of regulation 5 of, and paragraph 8 of Schedule 2 to, the 2003 Qualifications Regulations is excepted from the requirement to be registered with full registration under regulation 7 if that person only carries out specified work in a school on a temporary and occasional basis as determined in accordance with regulation 9(2) of the European Communities (Recognition of Professional Qualifications) Regulations 2007(**a**).

PART 2

Exception under regulation 8

4.—(1) This paragraph applies to a person other than a qualified teacher who takes up a post as a teacher at a school in reliance upon satisfying the conditions and requirements in paragraph 2, 4, 5 or 9 of Schedule 2—

(a) for the first time; or

(b) following a break in service as a teacher of at least one school term.

(2) Such a person is excepted from the requirement to be registered with provisional registration under regulation 8 for a period of four weeks starting on the date that person takes up the post, provided the person makes an application for provisional registration in accordance with regulations under section 4 of the 1998 Act before that date.

PART 3

Exception under regulation 9

5. A person who undertakes a course of training with a view to becoming a qualified teacher is excepted from the requirement to be registered with provisional registration under regulation 9 for a period of four weeks starting on the date that person commences the training, provided the person makes an application for provisional registration in accordance with regulations under section 4 of the 1998 Act before that date.".

Jim Knight
Minister of State
15th July 2008 Department for Children, Schools and Familes

(**a**) S.I. 2007/2781.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Specified Work and Registration) (England) Regulations 2003 ("the Principal Regulations").

The Principal Regulations, as amended by these Regulations—

(a) prohibit persons who are not qualified teachers but who are mentioned in paragraph 9 of Schedule 2 (employment-based teacher training scheme) from carrying out specified work unless they are registered with provisional registration with the General Teaching Council for England ("the GTCE"), with effect from 1st September 2008 (*regulation 8(1) of the Principal Regulations*);

(b) prohibit persons who are not qualified teachers but who are mentioned in-

(i) paragraph 2 of Schedule 2 (existing teachers in nursery classes and at nursery schools);

(ii) paragraph 4 of that Schedule (instructors with special qualifications or experience); or

(iii) paragraph 5 of that Schedule (overseas trained teachers),

from carrying out specified work unless they are registered with provisional registration with the GTCE, with effect from 1st September 2009 (*regulation 8(2) of the Principal Regulations*).

(c) prohibit persons from undertaking a course of initial teacher training, unless they are registered with provisional registration with the GTCE, with effect from 1st September 2008 (*regulation 9(1) of the Principal Regulations*);

(d) allow those referred to in regulation 8 to take up a teaching post without being registered with provisional registration for a period of four weeks, provided they apply for registration before taking up the post (*paragraph 4 of Schedule 3 to the Principal Regulations*);

(e) allow those referred to in regulation 9 to undertake teacher training without being registered with provisional registration for a period of four weeks, provided they apply for registration before commencing the training (*paragraph 5 of Schedule 3 to the Principal Regulations*).

£3.00

© Crown copyright 2008

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E2795 7/2008 182795T 19585

