STATUTORY INSTRUMENTS

1968 No. 1849 (S.165)

EDUCATION, SCOTLAND

The Further Education (Scotland) (Amendment) Regulations 1968

Made - - -	*19th November* 1968
Laid before Parliament	*2nd December* 1968
Coming into Operation	*3rd December* 1968

In exercise of the powers conferred upon me by sections 1(2) and 144(5) of the Education (Scotland) Act 1962(a), and of all other powers enabling me in that behalf, and after causing a draft of the regulations to be published and sending a copy thereof to every education authority in accordance with the provisions of section 144(2) of the said Act of 1962 and having had regard to the representations made by education authorities and other persons interested, I hereby make the following regulations :—

1.—(1) These regulations may be cited as the Further Education (Scotland) (Amendment) Regulations 1968 and shall come into operation on 3rd December 1968.

(2) The Further Education (Scotland) Regulations 1959(b) (hereinafter referred to as "the Principal Regulations") and these regulations shall be construed as one and may be cited together as the Further Education (Scotland) Regulations 1959 and 1968.

2. For paragraph (2) of regulation 2 of the Principal Regulations there shall be substituted the following paragraph :—

"(2)(i) Except as provided in sub-paragraphs (ii) and (iii) of this paragraph, every member of staff employed whole-time in connection with a course shall be qualified for entry to a course leading to a Teaching Qualification (Further Education) in accordance with paragraph 3 or paragraph 4 of Schedule 1 to the Teachers (Education, Training and Registration) (Scotland) Regulations 1967(c).

(a) 1962 c. 47. (b) S.I. 1959/477 (1959 I, p. 1068).
(c) S.I. 1967/1162 (1967 II, p. 3396).

(ii) Where in relation to a whole-time post the education authority have taken reasonable steps to make their requirements known to persons qualified as mentioned in sub-paragraph (i) hereof and where no applicant for the post is so qualified the authority may appoint to the said post, for a period not exceeding two years, a person who is not so qualified. The education authority may not extend the said period of employment without the prior approval of the Secretary of State.

(iii) Where a person holds a technical qualification which the authority consider appropriate for the employment but is not qualified as mentioned in sub-paragraph (i) hereof the authority may appoint such person in a temporary capacity pending a decision on the acceptability of the qualification and as soon as possible the authority shall apply to the Secretary of State for approval of the qualification in accordance with the provisions of said paragraph 3 or to the General Teaching Council constituted under section 1 of the Teaching Council (Scotland) Act 1965(a) for a determination that the qualification is acceptable as an appropriate alternative in accordance with said paragraph 4. On approval or acceptance, as the case may be, of the qualification the person shall be eligible for consideration for appointment under sub-paragraphs (i) or (ii) of this paragraph.

(iv) A person whose whole-time employment is divided between primary or secondary and further education or between two further education posts shall be regarded as employed whole-time.

(v) Where a member of staff was employed whole-time in connection with a course on the coming into operation of these regulations and whose qualifications had been approved as appropriate for the employment or, in the case of a person not holding appropriate qualifications, whose appointment had been approved by the Secretary of State in pursuance of the Regulation in force at the time of appointment, he shall, notwithstanding that he is not qualified as mentioned in regulation 2(2)(i) hereof be deemed for the purposes of these regulations to be qualified for the employment."

3. Regulation 3 of the Principal Regulations is hereby revoked.

4. In regulation 16 of the Principal Regulations the following paragraph shall be added :—

"(7) "whole-time" in relation to the employment of staff to whom Part I of these regulations applies means employment for one week or for a longer period ; and in relation to such employment, employment for one week means employment for not less than 10 teacher meetings and not more than the number of such meetings as are, or were at the time of the employment, generally accepted by those engaged in the employment, whether as employers or employees, as amounting to a full week's work. For the purposes of this definition "teacher meeting" means, in the case of a member of staff a period during

(a) 1965. c. 19.

which he teaches, supervises, organises or is otherwise required by the education authority to be present at a further education centre in the performance of the duties of his post."

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
19th November 1968.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend provisions in Part I of the Further Education (Scotland) Regulations 1959, which relates to the standards and general requirements for further education centres. They provide that, save in particular circumstances, staff employed whole-time in connection with a course of further education shall hold appropriate qualifications which meet the requirements for admission to a course leading to a Teaching Qualification (Further Education). They supersede the general requirement in Regulation 2(2) of the 1959 Regulations that the qualifications of every member of staff employed whole-time or part-time shall be approved by the Secretary of State.

These Regulations also revoke Regulation 3 of the 1959 Regulations which prescribed the maximum size of classes.