EXPLANATORY MEMORANDUM TO

The General Teaching Council for Northern Ireland (Registration of Teachers) (Amendment) Regulations (Northern Ireland) 2015

S.R. 2015 No. 151

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Education to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 36(1), (3)(f) and (5), 40(3) and 90(3) of the Education (Northern Ireland) Order 1998 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Rule makes a number of amendments to the General Teaching Council for Northern Ireland (Registration of Teachers) Regulations (Northern Ireland) 2004 ("the 2004 Regulations") to update legislative references to ensure that a person who is prevented from teaching in Great Britain is not eligible for registration in Northern Ireland (regulation 2(3)).

2.2. It inserts a new regulation 10A to provide that the General Teaching Council for Northern Ireland ("the Council") may remove a person's entry from the register of teachers on grounds of misconduct. It also provides that a person whose entry in the register has been removed will have a right of appeal and for the Council may make rules in relation to decisions and notifications (regulation 2(5)).

2.3. Regulation 2(6) to (8) makes amendments to the supply of information provisions in Part 3 of the 2004 Regulations to update legislative references relating to disciplinary orders made in other jurisdictions.

3. Background

3.1. The provisions are needed because of a gap in legislative coverage that has arisen following the commencement, in 2009, of a repeal provided for in the Education (Northern Ireland) Order 1998. This had the effect of removing from statute certain powers in Article 70 of the Education and Libraries (Northern Ireland) Order 1986 in respect of teachers. As a direct consequence of this, the regulations made under that Article also fell and the Department of Education lost its powers to restrict or remove a person's eligibility to teach.

4. Consultation

4.1. The Department has consulted with the General Teaching Council for Northern Ireland when developing these proposals.

5. Equality Impact

5.1. An Equality Screening Exercise was carried out on this proposal and has concluded that it will not differentially impact adversely on any of the section 75 groups.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been prepared for these regulations as they impose no additional costs or duties on businesses, charities, social economy enterprises or voluntary bodies.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. The Departmental Solicitor's Office has confirmed that the proposed draft regulations comply with Article 24 of the Northern Ireland Act 1998 which requires that they are compatible with the rights in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The Rule does not replicate, nor is it required to maintain parity with, legislation in other administrations.

11. Additional Information

11.1. Not applicable.