

## SCHEDULE 5

Article 32

### Transitional and savings provisions

#### **The Teachers (Education, Training and Recommendation for Registration) (Scotland) Regulations 1993**

1. Despite the revocation of regulation 3 of the Teachers (Education, Training and Recommendation for Registration) (Scotland) Regulations 1993<sup>(1)</sup> (“the 1993 Regulations”), any determination made under regulation 3 continues to have effect until the GTCS makes a corresponding determination under article 29 of this Order or the Scottish Ministers make a corresponding determination under article 30 of this Order.

2. Despite the revocation of regulation 4 of the 1993 Regulations, any determination and approval made under regulation 4 continues to have effect until the GTCS makes a corresponding determination under article 29 of this Order or the Scottish Ministers make a corresponding determination under article 30 of this Order.

3. Despite the revocation of regulation 5 of the 1993 Regulations, regulation 5 continues to have effect in relation to persons who have performed the work of a course complying with the requirements of regulation 4 of the 1993 regulations.

4. Despite the revocation of regulation 6 of the 1993 Regulations, regulation 6 continues to have effect in relation to the requirements for recommendation for registration until such time as the GTCS sets corresponding requirements in the GTCS rules.

#### **Investigations in progress under section 10B of the 1965 Act**

5.—(1) This paragraph applies to a preliminary investigation under section 10B<sup>(2)</sup> of the 1965 Act that is still in progress on 2nd April 2012.

(2) Any action or decision taken by the Investigating Sub-committee prior to 2nd April 2012, will, on and after 2nd April 2012, be treated as if it were an action or decision by the GTCS under Schedule 4 to this Order.

#### **Cases in progress before the Disciplinary Sub-committee**

6.—(1) This paragraph applies where a case is still in progress on 2nd April 2012 under section 10C<sup>(3)</sup> or 11<sup>(4)</sup> of the 1965 Act.

(2) Where a case is, prior to 2nd April 2012, being considered by the Disciplinary Sub-committee under section 10C or 11(1) or (2) of the 1965 Act, that case must, on and after 2nd April 2012, be considered by the GTCS under Schedule 4 of this Order.

#### **Persons with right to apply for variation or revocation of conditions under section 11(4) of 1965 Act**

7.—(1) This paragraph applies to a person in relation to whom a conditional registration order has been made and who has, prior to 2nd April 2012, a right to apply to the Professional Conduct Committee for a determination under section 11(4) of the 1965 Act.

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(1) [S.I. 1993/2732](#), amended by [S.S.I. 2004/390](#).

(2) Section 10B was inserted by section 50 of the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), and amended by paragraph 3 of Schedule 4 to the [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#).

(3) Section 10C was inserted by section 50 of the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#).

(4) Section 11 was substituted by section 50 of the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), and amended by paragraph 4 of Schedule 4 to the [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#).

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(2) Despite the repeal of section 11(4), that person will, on and after 2nd April 2012, have a right to apply to the GTCS for a determination under section 11(4).

(3) The GTCS is to determine an application and must give notice of the determination to the person concerned.

(4) A notice under paragraph (3) must include a statement of the reasons for the determination.

#### **Persons to whom section 11(7) of the 1965 Act applies**

**8.**—(1) This paragraph applies to a person in relation to whom a reprimand is marked against that person's name in the register prior to 2nd April 2012.

(2) Despite the repeal of section 11(7) of the 1965 Act, that section will continue to apply, on and after 2nd April 2012, in relation to the removal of a reprimand after the five year period referred to in that section.

#### **Persons to whom section 11(9) of the 1965 Act applies and directions made under section 10 of the 1965 Act**

**9.**—(1) This paragraph applies to a person to whom section 11(9) of the 1965 Act applies immediately prior to 2nd April 2012 and who is not entitled to be registered or re-registered except in compliance with a direction of the Disciplinary Sub-committee.

(2) Despite the repeal of section 11(9), that section continues to apply, on and after 2nd April 2012, to such a person as if the reference to the Disciplinary Sub-committee was a reference to the GTCS.

(3) The GTCS, in considering a direction in the circumstances described in section 11(9), is to take into account any existing prohibition imposed by the Disciplinary Sub-committee under section 11(10).

(4) Despite the repeal of section 11(10), that section continues to apply, on and after 2nd April 2012, to any existing prohibition under that section.

#### **Entries to which section 11A of the 1965 Act applies**

**10.**—(1) This paragraph applies to an entry in the register established under the 1965 Act which is marked as suspended before 2nd April 2012.

(2) Despite the repeal of section 11A(5) of the 1965 Act, that section continues to apply, on and after 2nd April 2012, in relation to the cancellation of the suspension where there is no direction for the removal of the entry from the register following the conclusion of the case to which that suspension relates.

(3) Despite the substitution of "restricted" for "suspended" in regulation 4(2) of the Requirements for Teachers (Scotland) Regulations 2005(6), that regulation shall continue to apply to such an entry, on and after 2nd April 2012, as if that substitution were not made.

(4) For the purposes of this paragraph, any reference to a Committee or Sub-committee, where relevant to the cancellation of the suspension, is to be read as a reference to the GTCS and the requirements to serve a notice under section 11A(2) of the 1965 Act apply to the GTCS.

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(5) Section 11A was inserted by section 50 of the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#).

(6) [S.S.I. 2005/355](#).

## Appeals

**11.**—(1) Where, before 2nd April 2012, a person has a right to appeal under section 12(1) of the 1965 Act, but has not yet lodged an appeal, that person will, on and after 2nd April 2012, have a right to appeal under article 24 of this Order.

(2) The right to appeal in circumstances described in sub-paragraph (1) may only be exercised within the period of 28 days after the service of notice of the direction in question.

## Review

**12.**—(1) Despite the repeal of section 12(1A)(7) of the 1965 Act, a person with a right to require a review under that sub-section immediately prior to 2nd April 2012, will, on and after 2nd April 2012, have a right to require the GTCS to carry out a review.

(2) The right to require the GTCS to carry out a review is to be exercised within the prescribed number of days referred to in section 12(1A) of the 1965 Act.

## The Teaching Council (Scotland) (Legal Assessor) Rules 2006

**13.**—(1) Despite the revocation of the Teaching Council (Scotland) (Legal Assessor) Rules 2006 (“the 2006 Rules”)(**8**), those rules continue to apply, on and after 2nd April 2012, to proceedings under this Order as they applied to proceedings under the 1965 Act until the Lord President makes rules relating to the functions of legal assessors under paragraph 3 of Schedule 4 to this Order.

(2) In the 2006 Rules, any reference to a Committee of the GTCS is to be read as a reference to the GTCS.

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(7) Section 12(1A) was inserted by section 51(1) of the Standards in Scotland’s Schools etc. Act 2000.

(8) S.S.I. 2006/455.