

General Teaching Council Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Minister of Education had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the General Teaching Council Bill would be within the legislative competence of the Northern Ireland Assembly.”

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[AS INTRODUCED]

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BILL

TO

Make provision in relation to the General Teaching Council for Northern Ireland.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by His Majesty as follows:

The Council's constitution and general functions

Membership

1. In Schedule 1 to the 1998 Order—

(a) in paragraph 1(2)(a), omit the words from “to include” to the end;

5 (b) in paragraph 1(2)(b)(i) and (ii), omit the words “or election”.

Rules relating to the Council's constitution

2. In Schedule 1 to the 1998 Order, for paragraph 1(3) substitute—

10 “(3) Regulations under sub-paragraph (1) may require or authorise the Council to make provision by rules with respect to any matter as to which provision may be made by the regulations.”.

Sub-committees

3. In Schedule 1 to the 1998 Order—

(a) in paragraph 1(2)(c)—

(i) after “establish committees” insert “and sub-committees”;

15 (ii) after “such committees” insert “or sub-committees”;

(b) after paragraph 1(2)(c) insert—

“(d) may enable or require committees established by virtue of paragraph (c) to establish sub-committees for any purpose specified in the regulations and provide for the constitution of such sub-committees

(and references in this Schedule to sub-committees of the Council include sub-committees established by such committees).”;

(c) in paragraph 5 (the registrar), in sub-paragraph (3), after “its committees” insert “and sub-committees”;

5 (d) in paragraph 6 (assessors), in sub-paragraph (1), after “its committees” insert “and sub-committees”;

(e) in paragraph 9 (procedure)—

(i) in sub-paragraph (1), after “any committee” insert “or sub-committee”;

10 (ii) in sub-paragraph (2)(a), after “committees” insert “and sub-committees”.

Membership of committees and sub-committees

4. In Schedule 1 to the 1998 Order, after paragraph 1(2) insert—

15 “(2A) Regulations under sub-paragraph (1) which make provision for the constitution of any committee or sub-committee of the Council may provide that the committee or sub-committee is to consist of, or include, persons who are not members of the Council.

20 (2B) But any regulations under sub-paragraph (1) which provide for the establishment of a committee or a sub-committee to exercise any function conferred on the Council by virtue of Schedule 1A must ensure that the committee or sub-committee consists of persons who are not members of the Council.”.

Delegation of functions

5. In Schedule 1 to the 1998 Order, for paragraph 7 substitute—

25 “7—(1) The Council may delegate any of its functions to—

(a) any of its committees;

(b) any of its sub-committees;

(c) its chairman or any of its other members;

(d) the registrar or any of its other officers.

(2) Delegation of a function under this paragraph—

30 (a) does not prevent the Council from exercising the function;

(b) does not affect the Council’s responsibility for the exercise of the function.”.

Remuneration and allowances

35 6. In Schedule 1 to the 1998 Order, for paragraph 8 and the heading immediately above it substitute—

“Remuneration and allowances to members etc.

8.—(1) The Council may pay remuneration and allowances to its members.

(2) The Council may—

- (a) pay remuneration to any person who is a member of a committee or a sub-committee of the Council but is not a member of the Council or one of its officers;
- (b) pay allowances to any person who is a member of a committee or a sub-committee of the Council.”.

Matters relating to the registration of teachers

Provisional registration

7. In Article 36 of the 1998 Order—

- (a) in paragraph (1)(a), after “registration” insert “, including on a provisional basis”;
- (b) for paragraph (2)(a) substitute—
- “(a) complies with such requirements as may be imposed by or under the regulations in relation to qualifications approved by the Council;”.

Further training

8. In Article 36 of the 1998 Order, after paragraph (3)(d) insert—

- “(da) requirements for persons to complete further training for the purpose of retaining their entries in the register (whether imposed by or under the regulations);”.

Rules relating to registration

9. In Article 36 of the 1998 Order, for paragraph (5) substitute—

- “(5) Regulations under this Article may require or authorise the Council to make provision by rules with respect to any matter as to which provision may be made by the regulations.”.

Offences

10.—(1) After Article 35 of the 1998 Order insert—

“Offence of pretending to be a registered teacher

35A.—(1) A person who is not registered as a teacher under Article 35 commits an offence if that person, with intent to deceive, pretends to be a registered teacher.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

(2) In Article 36 of the 1998 Order—

- (a) in paragraph (3), after sub-paragraph (da) (as inserted by section 8) insert—
- “(db) the offence and penalty authorised by paragraph (3A);”;
- (b) after paragraph (3) insert—

“(3A) For the purposes of paragraph (3)(db) regulations under this Article may provide for an offence and penalty for the provision of false or misleading information in connection with the exercise by the Council of its functions relating to registration, but the regulations—

- 5 (a) must provide for the offence to be triable summarily only; and
- (b) may only provide for the offence to be punishable by a fine not exceeding level 4 on the standard scale.

(3B) Regulations under this Article containing provision which is authorised by paragraph (3A) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”;

(c) after paragraph (5) insert—

“(6) But paragraph (5) does not apply in relation to anything authorised by paragraph (3A).”.

(3) In Article 90 of the 1998 Order—

- 15 (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (2A)”;
- (b) after paragraph (2)(a) insert—

“(aa) regulations under Article 36 containing provision which is authorised by paragraph (3A) of that Article (draft of regulations to be approved by resolution before being made);”;

20 (c) after paragraph (2) insert—

“(2A) Any provision that may be made in regulations under Chapter 1 of Part 6 of this Order (including Schedules 1 and 1A) which but for this paragraph would be contained in regulations subject to negative resolution may be made in regulations subject to the procedure described by Article 36(3B) of that Chapter.”.

Disciplinary powers

11.—(1) After Article 36 of the 1998 Order insert—

“Disciplinary powers of the Council

30 **36A.** Schedule 1A makes provision for certain disciplinary powers to be conferred on the Council in relation to registered teachers and persons applying for registration.”.

(2) After Schedule 1 to the 1998 Order insert—

“SCHEDULE 1A

Article 36A.

DISCIPLINARY POWERS OF GENERAL TEACHING COUNCIL FOR
NORTHERN IRELAND5 *Investigation, hearing and determination of disciplinary cases*

1.—(1) Regulations may make provision for and in connection with—

(a) the investigation by the Council of cases where, in respect of a registered teacher—

10 (i) it is alleged that the teacher is guilty of unacceptable professional conduct or serious professional incompetence, or has been convicted at any time of a relevant offence; or

(ii) it appears to the Council that the teacher is guilty of such conduct or incompetence, or has been convicted of such an offence; and

15 (b) the hearing and determination by the Council of such cases where it is found on investigation that a registered teacher has a case to answer.

(2) Regulations under sub-paragraph (1) may, in particular, make provision—

20 (a) requiring the Council, where any proceedings are being taken against any person under this Schedule—

(i) to serve a notice on the person outlining the case against the person; and

25 (ii) to give the person the opportunity of appearing and making oral representations;

(b) allowing the person to be represented by any other person at any hearing of the Council at which the person's case is considered;

30 (c) requiring the Council, where it does not find the case against the person proved, to publish a statement to that effect at the person's request;

(d) authorising the Council to require persons to attend and give evidence or to produce documents or other material evidence;

(e) about the admissibility of evidence;

(f) authorising the Council to administer oaths or affirmations;

35 (g) for the procedure to be followed by the Council in connection with proceedings under this Schedule (which may be specified in or determined under the regulations).

40 (3) No person may be required by virtue of the regulations to give evidence or produce any document or other material evidence which the person could not be compelled to give or produce in civil proceedings in any court in Northern Ireland.

(4) The regulations may make provision for any functions conferred on the Council by virtue of sub-paragraph (1) to be excluded or restricted in

ways specified in or determined under the regulations, including where the Department considers this to be appropriate taking into account the powers of the Disclosure and Barring Service under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

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Disciplinary orders: general

2.—(1) Regulations may make provision for and in connection with authorising the Council to make disciplinary orders in relation to persons who, in proceedings under this Schedule, are found by the Council—

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(a) to have been guilty of unacceptable professional conduct or serious professional incompetence; or

(b) to have been convicted at any time of a relevant offence.

(2) Regulations under sub-paragraph (1) may, in particular, make provision—

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(a) for the Council to serve notice on a person of a disciplinary order which has been made in relation to the person, and of the right of appeal against the order under paragraph 7;

(b) as to the time when any such order takes effect, whether in a case where the person exercises that right of appeal or otherwise;

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(c) for the Council to publish, in the way it thinks appropriate, prescribed information relating to the case of the person and any disciplinary order made by the Council;

(d) for the Council, where a disciplinary order takes effect in relation to a person, to serve notice of the order on that person's employing authority;

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(e) requiring the employing authority to take prescribed steps in relation to that person in consequence of the order (which may include dismissing the person).

(3) In this Schedule, a “disciplinary order” means—

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(a) a reprimand;

(b) a conditional registration order;

(c) a suspension order;

(d) a prohibition order.

Conditional registration orders

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3.—(1) Where a conditional registration order is made in relation to a person, the person continues to be eligible for registration under Article 35, but the person must comply with any conditions relevant to the person's employment as a teacher that are specified in the order.

(2) Without prejudice to the generality of sub-paragraph (1)—

40

(a) the conditions which may be specified in a conditional registration order include conditions that require the person in question to take any specified steps that will, in the opinion of the Council, be conducive to the person's becoming a competent teacher; and

(b) conditions may be specified in a conditional registration order (whether for the purpose mentioned in paragraph (a) or otherwise) that will involve expenditure on the part of the person.

(3) Any condition specified in a conditional registration order has effect—

5 (a) for such period as may be so specified; or

(b) indefinitely;

but this is subject to sub-paragraph (4).

10 (4) A person in relation to whom a conditional registration order has been made may, in accordance with regulations, apply to the Council for it to vary or revoke any condition specified in the order.

(5) Regulations may make provision authorising the Council, if satisfied that a person has failed to comply with a condition specified in a conditional registration order, to make a suspension order or a prohibition order in relation to the person.

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Suspension orders

4.—(1) Where a suspension order is made in relation to a person, the person ceases to be eligible for registration under Article 35.

(2) If the person's name is contained in the register at the time when the order is made, the Council must remove the person's entry from the register.

20 (3) The person becomes eligible for registration again at the end of such period not exceeding 2 years as may be specified in the order, but this is subject to sub-paragraph (4).

(4) A suspension order may specify conditions to be complied with by the person to whom the order relates, and where it does so—

25 (a) that person becomes eligible again for registration under Article 35 at the end of the period specified under sub-paragraph (3) only if the person has complied with the conditions; and

30 (b) if the person has not complied with the conditions at the end of that period, the person does not become eligible for registration again until the person has complied with the conditions.

(5) Without prejudice to the generality of sub-paragraph (4)—

35 (a) the conditions which may be specified in a suspension order include conditions that require the person in question to take any specified steps that will, in the opinion of the Council, be conducive to the person's becoming a competent teacher; and

(b) conditions may be specified in a suspension order (whether for the purpose mentioned in paragraph (a) or otherwise) that will involve expenditure on the part of the person.

40 (6) A person in relation to whom conditions have been specified in a suspension order may, in accordance with regulations, apply to the Council for it to vary or revoke any of the conditions.

Prohibition orders

5.—(1) Where a prohibition order is made in relation to a person, the person ceases to be eligible for registration under Article 35.

(2) If the person's name is contained in the register at the time when the order is made, the Council must remove the person's entry from the register.

(3) The Council may, on an application made by the person in accordance with regulations, determine that the person is eligible again for registration.

(4) But an application under sub-paragraph (3) may not be made before the end of the period of 2 years beginning with the date when the prohibition order takes effect or such longer period as may be specified in the order.

Interim suspension orders

6.—(1) Regulations may make provision for and in connection with authorising the Council to make interim suspension orders in relation to persons in respect of whom there is evidence which, on face value, may lead the Council in proceedings under this Schedule to find those persons—

(a) to have been guilty of unacceptable professional conduct or serious professional incompetence; or

(b) to have been convicted at any time of a relevant offence.

(2) Where an interim suspension order is made in relation to a person, the person ceases to be eligible for registration under Article 35 during the period for which the order is in effect.

(3) If the person's name is contained in the register at the time when the order is made, the Council must remove the person's entry from the register.

(4) An interim suspension order has effect for such period not exceeding 18 months as may be specified in the order (but regulations under sub-paragraph (1) may provide for that period to be extended in accordance with the regulations).

(5) Regulations under sub-paragraph (1) must provide—

(a) that the Council may not make an interim suspension order in relation to a person unless it is satisfied that the order—

(i) is necessary for the protection of children;

(ii) is otherwise in the public interest; or

(iii) is in the interests of the person;

(b) that the Council must review an interim suspension order—

(i) within six months of the order being made; and

(ii) within each subsequent six month period;

if the person to whom the order relates makes an application to the Council for such a review.

(6) Where an interim suspension order is varied by the High Court on an appeal under paragraph 7, sub-paragraph (5)(b)(i) applies as if the reference to the order being made were a reference to the date of the High Court's decision on the appeal.

(7) Regulations under sub-paragraph (1) may, in particular, make provision—

- 5 (a) for the Council to serve notice on a person of an interim order which has been made in relation to the person, and of the right of appeal against the order under paragraph 7;
- (b) as to the time when any such order takes effect, whether in a case where the person exercises that right of appeal or otherwise;
- 10 (c) for the Council to publish, in the way it thinks appropriate, prescribed information relating to the case of the person and any such order made by the Council;
- (d) for the Council, where an interim suspension order takes effect in relation to a person, to serve notice of the order on that person's employing authority;
- 15 (e) requiring the employing authority to take prescribed steps in relation to that person in consequence of the order;
- (f) for the Council to conduct reviews of an interim suspension order of its own initiative.

Appeals against interim suspension orders and disciplinary orders

20 7.—(1) Regulations must make provision giving a person in respect of whom an interim suspension order or a disciplinary order has been made a right of appeal against the order to the High Court.

(2) The regulations must make provision about the period within which an appeal may be made.

25 (3) On such an appeal, the High Court may make any order which it considers appropriate.

(4) The decision of the High Court on such an appeal is final and may not be appealed.

Supplementary provision about regulations under this Schedule

30 8. A power to make regulations under this Schedule includes power to make provision—

- (a) authorising the delegation of functions conferred by the regulations and the determination of matters by any person or persons specified in the regulations;
- 35 (b) requiring or authorising the Council to make provision by rules in respect of any matter as to which provision may be made by the regulations.

Interpretation

9.—(1) In this Schedule—

“disciplinary order” has the meaning given by paragraph 2(3);

40 “registered teacher” includes—

- (a) a person who was a registered teacher at the time of any alleged conduct or offence; and

(b) a person who has made an application to be registered under Article 35;

“relevant offence”, in relation to a person who is a registered teacher, means—

- 5 (a) in the case of a conviction in the United Kingdom, a criminal offence other than one having no material relevance to the person’s fitness to be a registered teacher;
- 10 (b) in the case of a conviction elsewhere, an offence which, if committed in Northern Ireland, would constitute such an offence as is mentioned in paragraph (a).

15 (2) Where regulations under paragraph 1(1) of Schedule 1 require the Council to establish a committee or a sub-committee for the purpose of exercising any of the functions conferred on the Council by virtue of this Schedule, references in this Schedule to the Council are to be read, in relation to those functions, as references to that committee or sub-committee (as the case may be).”.

(3) In Article 36 of the 1998 Order, omit paragraph (3)(f)(iii) and the “or” preceding it.

20 (4) In Article 37 of the 1998 Order, in paragraph (3)(a), after “Article 36” insert “or Schedule 1A”.

Miscellaneous

Fees and charges to cover Council’s expenditure

12.—(1) After Article 39 of the 1998 Order insert—

“Fees and charges to cover Council’s expenditure

25 **39A.**—(1) The Council, in exercising any power under this Part to fix fees or to charge for services provided by it, may (as the case may be) fix a fee at a level which exceeds the cost of the thing in respect of which it is charged, or impose a charge for a service which exceeds the cost of providing it.

30 (2) But the Council must seek to ensure that the income from such fees and charges, taking one year with another, is equal to the expenditure it incurs in exercising all of the functions conferred on it under this Part or any other statutory provision.”.

(2) In Article 36 of the 1998 Order—

- 35 (a) in the opening words of paragraph (4), omit “with the approval of the Department”;
- (b) omit paragraph (4A).

Rules previously made by the Council

40 **13.** The validity of any rules previously made by the Council is not affected by the coming into operation of section 2 or 9, and those rules are to be treated for all purposes as having been validly made under the 1998 Order.

General

The 1998 Order

14. In this Act, “the 1998 Order” means the Education (Northern Ireland) Order 1998.

5 **Commencement**

15.—(1) This section, section 14 and section 16 come into operation on the day after the day on which this Act receives Royal Assent.

(2) The other provisions of this Act come into operation on such day or days as the Department of Education may by order appoint.

10 **Short title**

16. This Act may be cited as the General Teaching Council Act (Northern Ireland) 2025.

General Teaching Council Bill

[AS INTRODUCED]

A Bill to make provision in relation to the General Teaching Council for Northern Ireland.

Introduced by: Mr Paul Givan, Minister of Education

On: 24 November 2025

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
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