

**A BILL
ENTITLED**

AN ACT to Establish a body to be called the Jamaica Teaching Council to recognize, regulate and promote the teaching profession; and for connected matters.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows: -

PART I. Preliminary

Short title and commencement.

1. This Act may be cited as the Education (Jamaica Teaching Council) Act, 2013, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Interpretation.

2. In this Act, unless the context otherwise provides -

“all-age school” means a school that offers a course of educational training for students of ages six to fifteen years;

“approved programme” means a teacher training programme recognized by the Council;

“authorization to teach” means an authorization granted under section 36;

“Board” means the Board of Governors of the Council established by section 12;

“chairman” means the chairman of the Board or the chairman of the Teacher Appeal Tribunal as the case may be;

“Chief Executive Officer” means the Chief Executive Officer appointed under section 14;

“child” means a person under the age of eighteen years;

“commencement date” means the date of commencement of this Act;

“condition” includes a limitation or restriction;

“continuing professional development framework” or “CPD Framework” means the framework for the professional development of teachers developed by the Council pursuant to section 79;

“Council” means the Jamaica Teaching Council established by section 5;

“early childhood institution” means a setting that provides developmentally appropriate care, stimulation, education and socialization for children under the age of six years;

“early childhood practitioner” means a person who teaches in an early childhood

institution;

“education professional” means -

- (a) the principal, vice-principal or assistant principal, of a public educational institution or an independent school;
- (b) a guidance counsellor;
- (c) an early childhood practitioner; or
- (d) any person who trains, supervises or inspects teachers or persons mentioned in paragraphs (a) to (c);

“employer” of a person, means a person who employs the person to teach;

“disqualified person” means a person who is convicted of a disqualifying offence;

“disqualifying offence” means the offence of human trafficking, a sexual offence, murder, an offence involving pornography, assault causing grievous bodily harm, robbery or an offence involving fraud or forgery;

“functions” includes duties and powers;

“high school” means any secondary school classified by the Minister as a high school;

“home schooling programme” means a programme of education in which a parent is primarily responsible for instructing his child, or causing his child to be instructed, other than by distance education, in his home or a place other than an educational institution;

“inspector” means a person authorized by the Minister under section 39(1) of the *Education Act* to carry out an inspection of an educational institution;

“instructor” means a person whose name is entered in the register of instructors pursuant to section 16;

“independent school” means any school at which education is provided for twenty or more students between the ages of eight years and nineteen years, not being a public educational institution;

“licence” means a licence issued under Part IV;

“licensed teacher” means a registered teacher who is licensed under this Act;

“parent”, in relation to any child, includes a guardian and every person who has the actual custody of the child;

“pre-primary school” means a school, or a department of a school, which offers a course of educational training and experience for students who, at the

- commencement of any school year, have not attained the age of six years;
- “primary school” means a school, or department of a school, that offers not less than a five-year course of educational training and experience for students of ages six to twelve years;
- “principal” means a person appointed to a designated position as principal of a school or a person in charge of a school;
- “professional standards” mean the Professional Standards for Educators, Jamaica as published, from time to time, by the Council with the approval of the Minister;
- “Professional Practice and Conduct Committee” means the committee constituted pursuant to paragraph 14 of the Second Schedule;
- “programme of education” means an organized set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student’s individual needs and abilities;
- “public educational institution” has the meaning assigned to it by section 2 of the *Education Act*;
- “register” means a register kept and maintained pursuant to section 16;
- “registered teacher” means a person who is granted a certificate of full registration or a certificate of provisional registration under this Act;
- “Registrar” means the Registrar appointed pursuant to section 14;
- “school”, where used without qualification, means an institution for providing primary education (including education at a pre-primary school, and all-age school) or secondary education or both primary and secondary education;
- “secondary school” means a school, or department of a school, that offers not less than a five-year course of educational training and experience for students who have attained the age of eleven years;
- “sexual offender” has the meaning assigned to it in section 2 of the *Sexual Offences Act*;
- “specified offence” means an offence specified in the First Schedule to the *Sexual Offences Act* to which reporting obligations under Part VII of that Act apply;
- “student” means a person to whom an educational programme is being delivered;
- “teach” means to undertake duties in any setting that -

(a) include -

- (i) the delivery of an educational programme designed to implement or supplement a curriculum or syllabus and the assessment of student participation in the educational programme; or
- (ii) the administration of any such educational programme; but

(b) does not include duties of the kind undertaken by -

- (i) a teacher's aide or a teacher's assistant, or by a student teacher on practicum placement;
- (ii) a person employed or engaged to provide care at a child care facility but who is not employed or engaged to teach at that facility;
- (iii) an unpaid volunteer, unless the volunteer is undertaking duties of a kind, or to an extent, prescribed for the purposes of this paragraph;
- (iv) such persons, or in such circumstances, if any, as are prescribed;

“Tribunal” means the Teacher Appeal Tribunal established under section 107.

Object of Act.

3. The main object of this Act is to –

- (a) raise the character and status of the teaching profession;
- (b) recognise, regulate and promote the teaching profession and maintain professional standards for educators;
- (c) establish and maintain a registration system and licensing system for teachers and education professionals to safeguard the public interest in there being a teaching profession whose members are competent educators and fit and proper persons to have the care of children; and
- (d) maintain public confidence in the teaching profession by facilitating the continuing competence of teachers.

Application.

4. This Act applies to –

- (a) early childhood practitioners and any person who teaches in a pre-primary school, primary school, all-age school, secondary school, an independent school or any other school;
- (b) any person who teaches in a home schooling programme, except a parent who instructs his own child and no other child at home;

- (c) any person who teaches in a public or private educational institution that provide initial or in-service teacher education and training;
- (d) any private tutor, whether practising full-time or part-time, except where the tutor provides private tutelage for his own child and no other person;
- (e) persons authorized or permitted to supervise, inspect or work in schools as education professionals; and
- (f) such other persons as may be prescribed by order of the Minister published in the *Gazette*.

PART II. *The Jamaica Teaching Council*

Establishment and Functions

Establishment of Jamaica Teaching Council.

5. - (1) There is established for the purposes of this Act a body, to be called the Jamaica Teaching Council, which shall be a body corporate to which section 28 of the *Interpretation Act* shall apply.

First Schedule.

- (2) The provisions of the First Schedule apply to the Council.

Functions

Council's registration, licensing and authorization functions.

6. The functions of the Council, in relation to the registration of teachers, the grant of authorization to teach persons and the licensing of education professionals in Jamaica are to -
- (a) register teachers, grant authorization to teach to persons and license, education professionals under this Act;
 - (b) determine how a person shall satisfy initial and ongoing eligibility requirements for registration authorization to teach and licensing under this Act;
 - (c) establish procedures and criteria -
 - (i) for registration and licensing, including the issue of certificates and the renewal of licences;
 - (ii) in relation to the induction of teachers into the teaching profession;
 - (iii) for the probation of teachers;
 - (d) ensure registered teachers, licensed education professionals and instructors continue to meet the eligibility requirements mentioned in paragraph (b), and monitoring the compliance of registered teachers, licensed education professionals and instructors with conditions of registration, licensing or authorization to teach;
 - (e) arrange checks of the police information of registered teachers, licensed education

professionals and instructors and applicants for registration, licensing or authorization to teach;

- (f) recommend, from time to time, for the approval of the Minister, the training and qualifications required for a person to be fully registered, provisionally registered, licensed or authorized to teach under this Act;
- (g) advise the Minister on matters of general policy relating to the teaching profession in Jamaica;
- (h) keep and maintain registers and records relating to persons who are registered, to teach or licensed under this Act;
- (i) appoint examiners to conduct examinations in respect of persons applying for registration as a teacher or instructor under this Act, as may, from time to time, be necessary under this Act;
- (j) recommend, from time to time, for the approval of the Minister, the education, training and qualifications required for a person to be registered, licensed or authorized to teach under this Act;
- (k) develop and maintain a professional learning framework to support and promote the continuing education and professional development of teachers;
- (l) undertake professional development programmes and activities in relation to the Council;
- (m) perform such other functions as may be assigned to it by the Minister, by or under this Act or any other enactment.

**Council's
discipline and
enforcement
functions.**

7. The Council has the following functions in relation to the disciplining of registered teachers, instructors and licensed education professionals in enforcing this Act -
- (a) monitoring compliance with this Act;
 - (b) receiving and assessing complaints; and conducting investigations, in relation to a complaint or on the Council's own initiative, about -
 - (i) the professional conduct or competence of a registered teacher ; or
 - (ii) a contravention of this Act;
 - (c) referring disciplinary matters to a disciplinary committee;
 - (d) giving effect to and monitoring compliance with disciplinary orders;
 - (e) developing and applying codes of practice about the professional conduct or practice of registered teachers;

- (f) perform such other functions as may be assigned to it by the Minister, by or under this Act or any other enactment.

**Council's
Function to
testing appli-
cants for
registration,
etc.**

8. - (1) The Council may test applicants for licence and registration in relation to literacy, numeracy or science, or any other area of competence that may be prescribed by the Council

(2) The Council may in the performance of its function under subsection (1) -

- (a) develop and revise the tests;
- (b) purchase and revise tests developed by entities other than the Council;
- (c) develop and revise documents and procedures for the administration of the tests;
- (d) conduct and mark the tests;
- (e) assess or reassess the results of a person who took the test and give the results to the person;
- (f) analyze systemic information about the performance of persons who took the test and report the results of the analysis to the Minister, the chief education officer and higher education institutions.

(3) The Council may engage another entity to undertake a function mentioned in this section.

(4) In this section, "higher education institution" means a higher education institution that provides a course of education for a qualification required for registration as a teacher.

**Council's other
functions.**

9. The Council's functions include the following -

- (a) undertake or support reviews and research relevant to the regulation of the teaching profession, including reviews and research commissioned and funded by the Minister;
- (b) collect data about registered teachers, and providing the data to other persons, as required or permitted under this Act;
- (c) promote the teaching profession to the public;
- (d) advise relevant bodies in Jamaica about the operation of this Act, as required or permitted under this Act;
- (e) confer and collaborate with employers, teachers, instructors education professionals, unions or other bodies and persons with respect to the performance of its functions;

- (f) review and recommend programmes of teacher education and training for the purpose of registration, licensing and holding authorization to teach;
 - (g) prepare, participate, collaborate and implement plans and programmes to enable sustained improvements in the teaching profession;
 - (h) conduct seminars and provide appropriate training programmes and consulting services and gather and disseminate information relating to the teaching profession;
 - (i) inform registered teachers and the public about the operation of this Act;
 - (j) review the operation of this Act and reporting to the Minister about its operation;
 - (k) undertake and promote research about teaching and learning practices;
 - (l) institute measures to encourage among the teaching profession the increased accountability for the performance of students;
 - (m) establish procedures and develop, implement and monitor a national plan and other plans and programmes relating to the teaching profession; and
 - (n) prepare for the approval of the Minister a strategic plan and an annual business plan of the Council;
 - (o) perform other functions conferred on the Council under this or another Act.
- (3) The Council may -
- (a) with the approval of the Minister, be a member of a company, association, trust or partnership;
 - (b) with the approval of the Minister, enter into a joint venture with any other person;
 - (c) apply for, obtain and hold, whether on its own behalf or jointly with any other person, any intellectual property rights;
 - (d) assign or grant licences in respect of those intellectual property rights, with or without charge;
 - (e) enter into agreements and arrangements for the commercial exploitation of intellectual property rights;
 - (f) produce or provide any document or information necessary to perform its functions, charge for advertising in the document or information, enter into an agreement with any person or body to sell, lease, licence or otherwise deal with any document or information produced or provided by the Council;
 - (h) charge fees for services provided by or on behalf of the Council.

Primary considerations of Council in performing its functions.

10. In performing its functions under this Act, the best interests of children shall be the paramount consideration of the Council.

Professional standards.

11. - (1) The Council shall -

- (a) develop or adopt , and apply the professional standards; or
- (b) with the approval of the Minister, adopt or develop standards other than the professional standards for entry into and continued membership, in the teaching profession.

(2) The Council may amend any standards that it has adopted or developed under subsection (1)(b).

(3) When acting under subsection (1) or (2), the Council -

- (a) shall consult with the chief education officer and the representative entities; and
- (b) may consult with other entities it considers appropriate.

(4) The purpose of the professional standards is to detail the abilities, experience, knowledge or skills expected of teachers to help the Council decide -

- (a) whether to approve an instructor education programme; and
- (b) whether an applicant for provisional or registration, or an applicant for the renewal of registration, meets the professional practice requirements.

(5) The professional standards may provide for all or any of the following matters -

- (a) the abilities, knowledge and skills required for provisional registration;
- (b) the abilities, experience, knowledge and skills required for registration;
- (c) the abilities, experience, knowledge and skills required for renewal of full registration.

(6) If the professional standards are inconsistent with a requirement under this Act, the standards are invalid to the extent of the inconsistency.

(7) The Council shall -

- (a) make the professional standards available for inspection on its internet site; and
- (b) ensure copies of the professional standards, and each document applied, adopted or incorporated by the standards, are kept available for inspection, free of charge, at the office.

Board of Governors

**Establishment
of Board of
Governors.**

12. - (1) There shall be established for the purpose of this Act, a Board of Governors of the Council, which shall be the governing body of the Council and, subject to the provisions of this Act, shall be responsible for deciding the policies and controlling the affairs of the Council.

(2) Anything done by the Board is taken to have been done by the Council.

**Second
Schedule.**

(3) The provisions of the Second Schedule shall have effect as to the constitution of the Board and otherwise in relation to the Board.

**Ministerial
directions.**

13. The Minister may, after consultation with the chairman, give to the Board such directions of a general character as to the policy to be followed by the Council in the performance of its functions as appear to the Minister to be necessary in the public interest and the Board shall give effect to the directions.

Staff

**Appointment
of officers
and other
employees.**

14. - (1) The Council may appoint and employ, at such remuneration and on such terms and conditions as it thinks fit –

(a) a Chief Executive Officer;

(b) a Registrar; and

(c) such other officers and employees as it thinks necessary for the proper carrying out of the provisions of this Act.

(2) Subject to the direction of the Board, the Chief Executive Officer shall be responsible for the day-to-day administration of the Council and for its efficient and effective operation and service delivery.

(3) The Registrar shall be responsible for the duties set out in this Act and such other matters as may be prescribed from time to time.

(4) For the purposes of subsection (1) and except with the prior approval of the Minister responsible for the Public Service -

(a) no salary in excess of the prescribed rate shall be assigned to any post; and

(b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned.

(5) For the purposes of subsection (4), the "prescribed rate" shall be such rate as the Minister responsible for the Public Service may prescribe, by order, subject to affirmative resolution.

(6) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any officer in the service of the Government to any office with the Council and any officer so appointed or while so employed, in relation to other rights as a public officer be treated as continuing in the service of the Government.

Pensions, gratuities and other retiring benefits.

15. The Council may, with the approval of the Minister responsible for the Public Service -

- (a) enter into arrangements respecting schemes, whether by way of insurance policies or otherwise; and
- (b) make regulations,

for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, relating to employees of the Council and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of the employees.

PART III. Registers

Registers.

16. - (1) The Council shall cause the Registrar to keep and maintain up-to-date registers to be known respectively as –

- (a) the Register of Teachers, in which shall be recorded such particulars as may be prescribed of all registered teachers or of persons who apply in the prescribed manner to be fully registered or provisionally registered as teachers and are so registered pursuant to this Act;
- (b) the Register of Licensed Teachers, in which shall be recorded the name of each registered teacher to whom a licence is granted under this Act and such other particulars as may be prescribed;
- (c) the Register of Instructors, in which shall be recorded the name of each person to whom an authorization to teach is granted under this Act and such other particulars as may be prescribed; and
- (d) the Register of Licensed Education Professionals, in which shall be recorded the name of each person to whom a licence to practice as an education professional is granted under this Act and such particulars as may be prescribed.

(2) The registers mentioned in subsection (1) may be kept in any way the Council thinks appropriate, including in electronic form.

(3) Subject to the provisions of this Act, for the purposes of this Act, a person is

registered as a teacher, licensed as a teacher or other education professional, or authorized to teach, as the case may be, if his name appears in the appropriate register.

Inspection of registers.

17. - (1) Information on the registers mentioned in section 16(1) shall be made available for inspection by the public in any way that the Board thinks appropriate, including on a website maintained by the Board.

(2) A copy of the registers mentioned in subsection (1) shall be published in the *Gazette* by the Registrar at such times and in such manner as may be prescribed.

Correction of registers.

18. - (1) It shall be the duty of the Registrar to –

- (a) recommend to the Council the removal of any entry from a register in accordance with the provisions of this Act or any regulations made under this Act;
- (b) restore to a register any entry which the Council under subsection (3) directs him to restore;
- (c) correct in accordance with the Council's directions, any entry in a register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made; and
- (d) make, from time to time, any necessary alterations in any of the particulars mentioned in section 16.

(2) If the Registrar –

- (a) sends by post to any person registered under this Act, a registered letter addressed to him at his address appearing in a register, enquiring whether he has ceased to practise teaching or has changed his address and receives no reply to that letter within three months from the date of posting it; and
- (b) upon the expiration of that period sends in like manner to that person a second similar letter and receives no reply to that letter within three months from the date of posting it, the Council may direct the Registrar to remove from the Register the name of that person.

(3) The Council may, at any time, direct the Registrar to restore to a register any name removed from that register under subsection (2).

(4) Where the Council takes any action under subsection (1), it shall within fourteen days or at such time thereafter as is reasonably practicable, by notice in writing, inform the person concerned, or in the case where the person concerned is deceased, his next of kin, of any action taken and the reasons for such action.

(5) A registered teacher, a licensed education professional or an instructor shall, as soon, as reasonably practicable, inform the Council by notice in writing of -

- (a) any errors in a register of which he is aware as it relates to his registration or licensing; and
- (b) any change in the information entered in a register as it relates to him.

PART IV. *Restriction on Teaching Without Registration and Valid Licence or Authorization to Teach*

Requirement for persons to be registered and licensed to teach, etc.

19. - (1) A person shall not undertake the duties of a teacher in a school unless he is -

- (a) registered as a teacher and is licensed so to do under this Act; or
- (b) holds a valid authorization to teach granted under this Act.

(2) A person shall not practise as an education professional unless he is licensed so to do under this Act.

(3) A person who contravenes subsection (1) or (2) commits an offence and shall be liable upon summary conviction in a Resident Magistrate's Court, to a fine not exceeding three hundred thousand dollars, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(4) A certificate of registration, an authorization to teach or a licence under this Act may be granted only to an individual.

Requirement to employ, etc. registered teachers.

20. - (1) A person shall not appoint, employ, engage or authorize another person to undertake teaching duties in a school unless that other person is a registered and licensed teacher or is granted authorization to teach under this Act.

(2) A person shall not appoint, employ, engage or authorize another person to undertake teaching duties in a school in contravention of a condition to which the teacher's registration is subject.

(3) A person shall not appoint, employ, engage or authorize another person to practice as an education professional in a school unless that other person is licensed as such under this Act.

(4) A person shall not for a fee or other consideration, personally provide primary or secondary education, or offer to do so.

(5) A person who contravenes subsection (1), (2), (3) or (4) commits an offence and shall be liable upon summary conviction in a Resident Magistrate's Court, to a fine not exceeding three hundred thousand dollars, or to imprisonment for a term not

exceeding three months or to both fine and imprisonment.

Registered teachers to comply with conditions of registration.

21. - (1) A registered teacher shall not contravene a condition to which the teacher's registration is subject.

(2) A person who contravenes subsection (1) commits an offence and shall be liable upon summary conviction in a Resident Magistrate's Court to a fine not exceeding three hundred thousand dollars.

Offence of pretending to be registered or authorized to teach, etc.

22. - (1) A person who is not a registered teacher or instructor shall not -

- (a) claim to be a registered teacher or instructor;
- (b) claim to be qualified or to be entitled to practise as a teacher; or
- (c) take, assume or use any title, addition or description implying or calculated to lead persons to believe that the person is registered under this Act or that he is recognized by law as a person, registered, qualified or authorized to teach.

(2) A person who is not licensed under this Act as an education professional shall not claim to be licensed as an education professional.

(3) A registered teacher shall not -

- (a) claim to be licensed as a teacher in a category other than the category that the person is licensed in; or
- (b) claim to be qualified or entitled to teach in contravention of a condition to which the teacher's registration is subject.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence and shall be liable upon summary conviction in a Resident Magistrate's Court, to a fine not exceeding five hundred thousand dollars, or to imprisonment for a term not exceeding three months or both fine and imprisonment.

PART V. *Eligibility Requirements for Registration of Teachers and Authorization to Teach*

Eligibility for registration.

23. A person (other than a disqualified person) is eligible for registration if the Council is satisfied that the person -

- (a) has attained the prescribed qualifications for registration or the person's education, demonstrated abilities, experience, knowledge and skills establish that the person meets the requirements for registration under the Jamaican Standards for Education Professionals published by the Council from time to time; and
- (b) is a fit and proper person to teach as determined pursuant to section 27; and

- (c) has the prescribed professional experience and currency of practice for registration; and
- (d) if the person is a person prescribed by the Council as being required to take a test prescribed by the Council, the person –
 - (i) has taken the test; and
 - (ii) achieved a test result that the Council considers satisfactory for registration; and
- (e) the person meets any other requirements prescribed by the Council.

Eligibility for provisional registration.

24. A person (other than a disqualified person) is eligible for provisional registration if the Council is satisfied that the person does not have the prescribed professional experience and currency of practice for full registration but is otherwise eligible for registration under section 23.

Eligibility for authorization to teach.

25. A person (other than a disqualified person) is eligible for authorization to teach if the Council is satisfied that the person -

- (a) has been offered a teaching position in an early childhood institution or school and the employing authority for, or principal of, the institution or school cannot find an appropriate registered and licensed teacher to fill the position;
- (b) has knowledge, qualifications, skills or training reasonably considered by the Council to be relevant to the teaching position the person has been offered;
- (c) is a fit and proper person to teach as determined pursuant to section 27; and
- (d) meets any other requirements prescribed by the Council.

Council may impose Conditions to satisfy eligibility.

26. – (1) Without limiting sections 24 and 25, the Council may be satisfied that the person meets the eligibility requirements for provisional registration or authorization to teach by imposing conditions on the registration or authorization to teach.

(2) The Council may impose conditions of registration or authorization to teach which may include the following -

- (a) conditions requiring the person to complete a course or acquire experience as a teacher;
- (b) conditions requiring the supervision of the person;
- (c) conditions restricting the subjects that the person may teach;
- (d) conditions restricting the education that the person may provide;
- (e) conditions limiting the period for which the registration or authorization to teach

remains in force; and

- (f) conditions requiring the provision of further evidence as to competence.
- (2) Without limiting the effect of subsection (1), the Council shall -
- (a) make it a condition of every registration that -
 - (i) if the person is charged with or convicted of an offence of a kind specified in the condition (which may include offences under the law of Jamaica or elsewhere), the person shall, within fourteen days, give written notice of the charge or conviction to the Council containing the details specified in the condition; and
 - (ii) if the person is dismissed from employment as a practising teacher in response to allegations of unprofessional conduct, or resigns from employment as a practising teacher following allegations of unprofessional conduct, the person shall, within fourteen days, give written notice of the person's dismissal or resignation to the Council containing the details specified in the condition; and
 - (iii) if the person is dismissed from any employment in response to allegations of improper conduct relating to a child, or resigns from employment following allegations of improper conduct relating to a child, the person shall, within fourteen days, give written notice of the person's dismissal or resignation to the Council containing the details specified in the condition; and
 - (b) make it a condition of every provisional registration that the person acquire the experience or meet the requirements (as the case may be) necessary for the person to be eligible for registration under section 23.

Criteria for determining fit and proper person.

27. - (1) In determining whether a person is a fit and proper person to teach, the Council -
- (a) shall take into account the person's criminal history, including any offence of which he may have been convicted, the circumstances of the conviction and the lifestyle and conduct of the person subsequent to the conviction;
 - (b) shall take into account any behaviour of the person that -
 - (i) does not meet the professional standards;
 - (ii) is not in accordance with a code of professional ethics developed and

maintained by the Council; or

(iii) shows that the person is not of good character;

(c) shall take into account whether the person -

(i) has had an application for registration as a teacher, in Jamaica or elsewhere, refused;

(ii) has had his registration as a teacher, in Jamaica or elsewhere, suspended or cancelled;

(iii) has been disqualified from registration by the Council; or

(iv) is, or has been, disqualified from registration as a teacher by a registration authority;

(d) shall take into account any conditions currently or previously imposed on the person's registration as a teacher, either in Jamaica or elsewhere;

(e) shall take into account whether the person has any physical or mental incapacity or illness that will or is likely to interfere with the practice of teaching; or

(f) may take into account other matters it considers relevant.

(2) If, after considering the matters mentioned in subsection (1), the Council is not satisfied that a person is a fit and proper person to teach, the Council shall -

(a) give the person written notice of the reasons why the Council is not satisfied the person is a fit and proper person to teach; and

(b) invite the person to appear before the Board personally within a reasonable period, as specified in the notice, to respond to those reasons.

(3) The person may be accompanied by an advocate attorney-at-law when appearing before the Board, who may with the permission of the Board, make representations on behalf of the person to the Board.

(4) The Board shall not decide whether the person is a fit and proper person to teach until -

(a) the person has appeared before the Board; or

(b) if the person does not appear before the Board during the period mentioned in subsection (2)(b), the end of the period.

Council may obtain police information, etc. in relation to fit and proper person.

28. - (1) In determining whether a registered teacher or an instructor is or continues to be a fit and proper person, the Council may -

(a) ask the Commissioner of Police, Registrar of the Supreme Court, or Clerk of

Court, as the case may be for any or all of the following -

- (i) a written report containing details of the police information, if any, existing in relation to the person; or
 - (ii) a brief description of the circumstances of a conviction or charge, for an offence, mentioned in the person's criminal history; or
 - (iii) information about any investigation relating to the possible commission of a specified offence by the person; or
- (b) ask the Commissioner of Police or responsible authority in that country for a brief description of the circumstances of
- (i) a conviction of the person for an offence in another country, including any spent conviction of the person; or
 - (ii) a charge against the person.

PART VI. *Application for, Licence, Registration or Authorization to Teach*

Application For Registration, Licence or Authorization to Teach Other than by Holder of Provisional Registration

Application of sections 23 to 32.

29. Sections 30 to 37 do not apply to the holder of provisional registration who applies for registration.

Application for registration, licence or authorization to teach, etc.

30. - (1) Every person (other than a disqualified person) who, on or after the commencement date teaches, or proposes to teach, in Jamaica may apply in the prescribed form and manner to the Council for any of the following -

- (a) registration;
- (b) provisional registration;
- (c) authorization to teach; or
- (d) a licence to practise as an education professional.

(2) An application under subsection (1) shall be -

- (a) in the prescribed form; and
- (b) accompanied by each of the following -
 - (i) the documents or information on which the person relies to establish that the person meets the eligibility requirements;
 - (ii) any other documents or information reasonably required by the Council to decide the application;
 - (iii) the applicant's criminal record; and

(iv) such other document or information as may be prescribed.

(3) An application shall not be considered unless all the prescribed documents are submitted by the applicant.

(4) An applicant for registration shall -

(a) consent to the conduct by the Board of a criminal record check relating to the applicant; and

(b) if the Board so requires for the purpose of determining whether the applicant's capacity to teach is seriously impaired by an illness or disability affecting the applicant's behaviour or competence as a teacher -

(i) submit to a medical examination by a medical practitioner selected by the applicant from a panel of medical practitioners nominated by the Board; and

(ii) provide, or authorise the medical practitioner to provide, a report on the results of the medical examination to the Board; and

(c) provide the Board with any information required by the Board for the purposes of determining the application, verified, if the Board so requires, by statutory declaration.

(5) An applicant for registration shall pay, an amount specified by the Board, being an amount payable by the Board for the conduct by the Board of a criminal record check relating to the applicant.

(6) The *Criminal Record (Rehabilitation of Offenders) Act* shall not apply to the disclosure of the applicant's criminal record.

(7) Information contained in or accompanying the application shall, if required by the Council, be verified by statutory declaration.

(8) The Council may defer deciding the application until it receives any statutory declaration required under subsection (7).

(9) The application may lapse if the applicant does not submit any statutory declaration required under subsection (7) upon the expiration of a reasonable period within which to do so, as notified by the Council.

(10) Subsection (11) applies if before the application is decided, the Council -

(i) is upon request by the Council given advice by the Children's Advocate in relation to any negative information relating to the applicant; or

(ii) otherwise becomes aware there is negative police information about the applicant.

(11) The Council may -

- (a) by notice ask the applicant to obtain a criminal record; and
- (b) defer deciding the application until the applicant obtains a criminal record.

(12) For subsection (8), it is immaterial whether or not there was police information about the applicant when the application was made.

Obtaining information from Commissioner of Corrections.

31. - (1) The Commissioner of Corrections shall give the Council notice, in such form and manner as may be prescribed, of every teacher or instructor who is a sex offender.

(2) The disclosure of information by the Commissioner of Corrections under this section is authorized despite any other Act or law, including a law imposing an obligation to maintain confidentiality about the information.

Requirement to advise applicant of negative criminal record.

32. Before using a person's criminal record in deciding whether the applicant is a fit and proper person, the Council shall -

- (a) disclose any negative information to the applicant; and
- (b) allow the applicant a reasonable opportunity to make representations to the Board about the information contained in the criminal record.

Council's power to obtain further information, etc. from applicant.

33. - (1) Before deciding an application for full registration, provisional registration or authorization to teach, the Council may, by notice, require the applicant to give the Council, within a specified time, any further information or a document that the Council reasonably requires to decide the application.

(2) The time specified in the notice under subsection (1) shall be at least twenty-eight days after giving the notice.

(3) The notice under subsection (1) may require further information to be verified by statutory declaration.

(4) The applicant may ask the Council to extend the time specified in the notice under in subsection (1).

(5) The request under subsection (1) shall be -

- (a) in writing; and
- (b) made before the time ends.

(6) The Council shall not refuse a reasonable request for an extension of time.

(7) The Council may give an applicant -

- (a) more than one notice under subsection (1); and
- (b) more than one extension of time.

Effect of failure by applicant to comply with a request for further information, etc. Council may use documents or information to verify application.

34. An applicant is taken to have withdrawn the application for registration or authorization to teach if the Council gives the applicant a notice under section 33 and the applicant does not comply with the notice within the specified time.

35. The Council may use any documents or information held or obtained by the Council to verify information -

- (a) contained in or accompanying an application for registration, provisional registration or authorization to teach; or
- (b) obtained by the Council under the Act or any regulations made under the Act for that purpose.

How Council may decide application.

36. - (1) The Council shall consider an application for registration, provisional registration or authorization to teach and -

- (a) do any of the following -
 - (i) for an application for registration, grant the applicant either registration, or provisional registration with or without conditions;
 - (ii) for an application for provisional registration, grant the applicant provisional registration, with or without conditions;
 - (iii) for an application for authorization to teach, grant the applicant authorization to teach, with or without conditions; or
 - (iv) for an application for a licence to practice as an education professional, grant the licence, with or without conditions;
- (b) refuse to grant the application for registration, provisional registration or authorization to teach or a licence to practise as an education professional.

(2) The Council may grant the applicant for provisional registration or authorization to teach with a condition only if the Council is satisfied that the condition is necessary to ensure the applicant meets the eligibility requirements.

(3) The Council is not required, if it has assessed a person's qualifications or experience to be appropriate for registration or licensing, to assess the person's qualifications or experience again on a subsequent application by the person.

Steps to be taken after Council

37. - (1) Subject to subsection (2), if on an application for registration, provisional

**decides
application.**

registration or authorization to teach, the Council decides to grant the application for registration, provisional registration or authorization to teach, respectively, within forty-five days or as soon as is reasonably practicable after the decision is made, the Council shall -

- (a) give the applicant an approval notice; and
- (b) issue -
 - (i) to the applicant for registration, a certificate of registration ; or
 - (ii) to the applicant for provisional registration, a certificate of provisional registration; or
 - (iii) upon payment of the prescribed fee, to the applicant for authorization to teach, a certificate of authorization to teach;
 - (iv) upon payment of the prescribed fee, to the applicant for a licence to practice as an education professional, a licence.

(2) If the applicant applied for registration and the Council decides to grant the applicant provisional registration -

- (a) subsection (1) does not apply; and
- (b) the Council shall -
 - (i) give the applicant an information notice about the Council's decision;
 - (ii) issue a certificate of provisional registration to the applicant.

(3) If the Council decides not to grant the applicant registration provisional registration or authorization to teach, the Council shall as soon as practicable give the applicant an information notice forty-five days or as soon as is reasonably practicable about the Council's decision.

(4) In this section -

“approval notice” means a notice specifying the following -

- (a) the Council's decision to grant the applicant registration or provisional registration, or authorization to teach;
- (b) if the Council decides to grant the registration, provisional registration or authorization to teach with conditions -
 - (i) the conditions and the reasons for them; and
 - (ii) that the applicant may apply for review of the conditions under

section 27;

- (c) if the Council decides to grant the applicant authorization to teach it shall state, the period of the authorization to teach;

“information” notice means a notice specifying the following –

- (a) the Council’s decision not to grant the applicant full registration, provisional registration or authorization to teach;
- (b) that the applicant may apply for a review of the decision under section 37.

Application for Registration by Holder of Provisional Registration

Application by holder of provisional registration.

38. - (1) A holder of provisional registration (other than a disqualified person) may apply in the prescribed form and manner for full registration under this section.

(2) The application under subsection (1) shall comply with any other prescribed requirements.

How Council may decide application.

39. - (1) The Council shall consider the application under section 33 and -

- (a) subject to subsection (2), grant the applicant registration; or
- (b) refuse to grant the applicant registration.

(2) The Council may grant the application only if the Council is reasonably satisfied that -

- (a) if the applicant’s provisional registration is subject to one or more conditions, the applicant has fulfilled all of the conditions; and
- (b) the applicant continues to be a fit and proper person to teach; and
- (c) the applicant meets the prescribed professional experience and currency of practice for registration.

Steps to be taken after Council decides application.

40. - (1) As soon as practicable after deciding the application, the Council shall -

- (a) if it decides to grant the applicant registration -
- (i) give the applicant an approval notice; and
- (ii) issue a certificate of registration or
- (b) if it decides not to grant the applicant registration, give the applicant an information notice about the decision.

(2) In this section -

“approval notice” means a notice specifying the Council’s decision to grant the applicant registration;

“information” notice means a notice specifying the following –

- (a) the Council’s decision not to grant the applicant registration, provisional registration or authorization to teach;
- (b) that the applicant may apply for a review of the decision under section

39

Tests for Full Registration or Provisional Registration

Council may make regulations re test.

41. - (1) The Council may make regulations prescribing a test in any teaching subject as a prerequisite for or provisional registration or licensing.

(2) Regulations made under subsection (1) may provide for the following -

- (a) details of the matters to be tested;
- (b) who shall take the test;
- (c) the times at which the test is available to be taken;
- (d) how often a person may take the test;
- (e) the fees payable for taking or retaking the test or applying for a reassessment of the test result;
- (f) that the Council may decide the matters to be tested and publish these matters in the *Gazette*; and
- (g) any other matter that is necessary or convenient for taking the test.

Person may apply for reassessment of test result.

42. - (1) A person (other than a disqualified person) who has taken a test in any teaching subject as a prerequisite for registration or provisional registration may ask the Council to reassess the person’s result for the test.

(2) The request pursuant to subsection (1) shall -

- (a) be in the prescribed form; and
- (b) be made within twenty days after the person is issued with the person’s result for the test; and
- (c) be accompanied by the prescribed reassessment fee.

(3) The Council shall, within twenty working days or as soon as is reasonably practicable thereafter, reassess the person’s result for the test.

(4) If, after reassessing the person’s result, the Council decides the test result is satisfactory for registration the Council shall, within twenty working days or as soon as reasonably practicable thereafter, issue the person with a replacement result.

(5) If, after reassessing the person’s result, the Council decides the test result is

not satisfactory for registration, the Council shall give the person notice of the decision in writing.

(6) In this section, “reassess” in relation to a person’s test result, means to check the accuracy of the test result in the manner determined by the Council.

Application for registration may lapse after unsatisfactory test result.

43. - (1) Subject to subsection (2), the application for registration of a person who applies for registration and is required to take a test in any teaching subject as a prerequisite for registration or provisional registration but does not take the test or achieve a satisfactory test result, may lapse.

(2) The Council may make regulations prescribing the circumstances in which any application made to it shall lapse.

Period and Renewal or Extension of Authorization to Teach

Period and renewal of authorization to teach.

44. - (1) The period of an authorization to teach is the period specified in the certificate of authorization to teach granted to the holder of the authorization.

(2) The period specified in the certificate of authorization to teach shall not be longer than two years from the day the Council grants the authorization to teach.

(3) An authorization to teach may be renewed for further periods not longer than two years for each period.

(4) An authorization to teach may be renewed only if the holder has held the authorization continuously for at least two years.

(5) At the end of the period of the authorization to teach, the authorization to teach shall expire at midnight on the last day of the period.

(6) If an application for renewal of authorization to teach is made before the period the authorization ends, the authorization to teach is taken to continue until the application is decided.

Application for renewal of authorization to teach.

45. - (1) A person (other than a disqualified person) may apply to the Council for the renewal of the person’s authorization to teach.

(2) An application under subsection (1) shall -

(a) be made before the person’s authorization to teach ends but no earlier than three months and no later than one month before the authorization to teach ends; and

(b) be in the prescribed form; and

(c) be accompanied by -

(i) documents or information, identified in the prescribed form,

reasonably required by the Council to decide the application;

(ii) the prescribed fee;

(iii) any other prescribed requirements.

(3) The prescribed form shall be accompanied by the applicant's criminal record.

(4) The Criminal Record (Rehabilitation of Offenders) Act does not apply to the disclosure of the applicant's criminal record.

(5) Information contained in or accompanying the application shall, if required by the Council, be verified by statutory declaration.

(6) Section not found applies in relation to the application as if a reference in the section to the application were a reference to an application under this section.

Requirements for renewal of authorization to teach.

46. - (1) This section applies in relation to a person who applies for renewal of authorization to teach under section 45.

(2) The Council may renew the person's authorization to teach if the Council is satisfied that -

(a) the person is a fit and proper person; and

(b) each condition of the person's authorization to teach (if any) -

(i) has been fulfilled; or

(ii) is being complied with at the time the Council considers the application for renewal.

(3) In determining whether the person is a fit and proper person, sections 26 and 27 apply, with any necessary changes, as if -

(a) the application for renewal were an application for authorization to teach;

(b) the applicant for renewal were an applicant for authorization to teach; and

(c) the renewal of the authorization to teach were the grant of the authorization to teach.

How Council may decide application for renewal of authorization to teach.

47. - (1) The Council shall consider an application for the renewal of authorization to teach and either -

(a) renew the applicant's authorization to teach, with or without conditions; or

(b) refuse to renew the applicant's authorization to teach.

(2) The Council may impose any condition under subsection (1)(a) that the Council considers necessary for the applicant to meet the eligibility requirements for

renewal of the person's authorization to teach.

(3) If the Council grants a renewal of or authorization to teach, an authorization to teach remains subject to the conditions to which it was subject immediately before the renewal, other than a condition that has been fulfilled.

Steps to be taken after Council decides application.

48. - (1) If the Council grants a renewal of the applicant's authorization to teach, within twenty working days or as soon as reasonably practicable after the decision is made the Council shall -

- (a) give the applicant an approval notice; and
- (b) on payment of the prescribed fee, issue a certificate of authorization to teach to the applicant.

(2) If the Council does not grant a renewal of the applicant's authorization to teach, the Council shall within twenty working days or as soon as is reasonably practicable, give the applicant an information notice about the Council's decision.

(3) In this section -

“approval notice” means a written notice specifying the following -

- (a) the Council's granting of the renewal of the applicant's authorization to teach and the period for which the authorization is renewed;
- (b) if the Council grants the renewal of the authorization to teach with conditions -
 - (i) the conditions and the reasons for them; and
 - (ii) that the person may apply for a review of the conditions under section 50;

“information notice” means a written notice specifying -

- (a) the Council's decision;
- (b) the reasons for the Council's decision; and
- (c) that the person may appeal the Council's decision pursuant to section 107.

Period and Extension of Provisional Registration

Period of provisional registration.

49. - (1) The period of provisional registration is two years from the day the Council grants the provisional registration.

(2) At the end of the period of the provisional registration, the registration ends.

(3) Provisional registration may be extended for a further period of one year under section 45.

Option to extend provisional registration.

50. - (1) A person who holds provisional registration may give the Council a notice, before the period of the provisional registration ends, specifying that the holder wishes to exercise the option to extend the provisional registration.

(2) If the holder gives notice under subsection (1), the Council shall -

(a) extend the period of the holder's provisional registration for one year; and

(b) issue a certificate of provisional registration.

(4) The period of provisional registration may be extended under this section once.

Review, Amendment and Removal of Conditions

Application for review of condition.

51. - (1) This section applies to a person -

(a) whose registration as a teacher is provisional; and

(b) whose provisional registration or authorization to teach is subject to a condition, other than a condition imposed by a disciplinary committee.

(2) The person may make a written application to the Council asking for the condition to be reviewed and amended or cancelled.

Review of condition by Council.

52. - (1) The Council shall, within twenty working days or as soon as is reasonably practicable after being asked to review a condition under section 46, review the condition.

(2) After conducting the review, the Council may do one or more of the following -

(a) amend the condition under section 52 or 53;

(b) cancel the condition under section 54;

(c) decide to impose a new condition on the person's provisional registration or authorization to teach under section 52;

(d) refuse to amend or cancel the condition under section 54 or 55.

Amendment or imposition of conditions following a review.

53. - (1) This section applies if the Council reviews a condition of a holder's registration or authorization to teach under section 51.

(2) The Council may decide to -

(a) impose a new condition on the person's provisional registration or authorization to teach, if the Council is reasonably satisfied the condition is necessary to ensure the holder meets the eligibility requirements; or

(b) amend the reviewed condition other than under section 53(1); or

(c) refuse to amend the reviewed condition as requested by the holder.

(3) If the Council decides to act in any manner as specified in subsection (2), within twenty working days or as soon as reasonably practicable after making the decision, the Council shall give the person an information notice about the decision.

(4) The decision takes effect on the day the information notice is given to the person or, if the notice states a later day of effect, the day so specified.

(5) In this section “information notice” means a written notice –

- (a) specifying the Council’s decision;
- (b) the reasons for the Council’s decision.

Non-contentious amendment of conditions.

54. - (1) The Council may, at any time, amend a condition imposed on a person’s provisional registration or authorization to teach if the provisional registration or authorization to teach is amended only -

- (a) for a formal or clerical reason; or
- (b) as requested by the holder in an application for review of the condition.

(2) The Council may make an amendment under subsection (1) by giving notice to the holder.

(3) The amendment takes effect on the day the notice is given to the holder or, if the notice states a later day of effect, the day so specified.

Cancellation of conditions.

55. - (1) The Council may cancel a condition imposed on a person’s provisional registration or authorization to teach if the Council is reasonably satisfied the condition has been fulfilled or is no longer necessary for the person to meet the eligibility requirements or upon the application of the person concerned.

(2) If the condition is a returning to teaching condition, the Council may cancel the condition only if the Council receives such evidence, as may be prescribed, of satisfactory completion by the person of the professional development programme required to satisfy the condition.

(3) The Council may cancel a condition under this section by giving notice to the person.

(4) The notice shall state the day the cancellation takes effect.

(5) If the Council on an application for review for the cancellation of a condition, decides not to cancel the condition, the Council shall, within twenty working days or as soon as reasonably practicable, give an information notice about the Council’s

decision to the person.

(6) In this section “information notice” means a written notice –

- (a) specifying the Council’s decision;
- (b) the reasons for the Council’s decision.

Amending or replacing certificate of registration or certificate of authorization to teach.

56. - (1) A registered teacher who receives a relevant notice shall, unless the teacher has a reasonable excuse, return the teacher’s certificate of registration or certificate of authorization to teach to the Council within twenty-one days after receiving the notice.

(2) On receiving the certificate, the Council shall -

- (a) amend it appropriately or issue a replacement certificate to the teacher; and
- (b) return the amended or replacement certificate to the teacher.

(3) The effect of the amendment shall not depend on the amendment being noted on the teacher’s certificate of registration or authorization to teach.

(4) In this section, “*relevant notice*” means -

- (a) a notice under section 46(3), 47(2) or 48(3); or
- (b) a notice under section 108 specifying the Council has decided to amend, impose or remove a condition of the teacher’s registration or the instructor’s authorization to teach.

Suspension or Revocation of Registration or Authorization to Teach for Failing to Comply with Condition

Application of sections 54 to 56.

57. Sections 54 to 56 apply in relation to a person who holds either of the following that is subject to a condition (a relevant condition) -

- (a) provisional registration; or
- (b) authorization to teach.

Council to show cause notice for failing to comply with condition.

58. If the Council reasonably believes a person to whom sections 54 to 56 apply is not complying with a relevant condition, the Council shall give the person a notice stating -

- (a) that the Council may order the revocation or suspension of the person’s registration or authorization to teach (the proposed order);
- (b) the grounds for the proposed order;
- (c) an outline of the facts and circumstances forming the basis for the grounds;
- (d) if the proposed order is an order suspending the registration or authorization to teach, the proposed period of the suspension; and

- (e) an invitation to the person to show in writing, within a specified time, be a period of twenty-eight days or such longer period as the Council may specify, why the proposed order should not be made.

Council’s power to suspend or revoke registration or authorization to teach.

59. - (1) This section applies if, after considering any written statements made to the Council within the time required under section 52(1), the Council is satisfied the person is not complying with a relevant condition or has not complied with a returning to teaching condition.

(2) The Council may -

- (a) if the proposed order was to suspend the registration or authorization to teach for a proposed period, order suspension of the registration or authorization to teach for not longer than the proposed period; or
- (b) if the proposed order was to cancel the registration or authorization to teach, order either of the following -
 - (i) revocation of the registration or authorization to teach; or
 - (ii) suspension of the registration or authorization to teach for a period.

(3) The Council shall, within seven days after the decision on whether to make an order under subsection (2) is made, give the person -

- (a) if the Council decides to make the order, an information notice about the Council’s decision; or
- (b) if the Council decides not to make the order, a notice specifying the Council’s decision.

(4) In this section –

“proposed order” means the proposed order specified in the notice given to the person under section 58;

“information notice” means a written notice –

- (a) specifying the Council’s decision;
- (b) the reasons for the Council’s decision.

Immediate Suspension and Revocation of Licence or Authorization to Teach by Council

Effect of charge for disqualifying offence, sexual offender.

60. - (1) This section applies if, after the commencement of this Act, a registered teacher or an instructor is charged with a disqualifying offence.

(2) This section also applies if a registered teacher or an instructor is or becomes a disqualified person because the teacher or instructor is or becomes a sexual offender.

(3) The Council shall, immediately after it becomes aware of the charge or order, suspend the teacher's licence or the instructor's authorization to teach.

Council's power to suspend if registered teacher poses imminent risk of harm to children.

61. The Council may suspend a registered teacher's licence or an instructor's authorization to teach if the Council reasonably believes -

- (a) the teacher or the instructor poses an imminent risk of harm to the public in general and to children in particular; and
- (b) it is necessary to immediately suspend the teacher's licence or the instructor's authorization to teach to protect the public in general and children in particular.

Requirement to give notice of suspension.

62. - (1) If the Council suspends a registered teacher's licence or an instructor's authorization to teach under section 59, the Council shall immediately give written notice of the suspension to the teacher or instructor.

(2) The notice of suspension under section 59 shall state the following -

- (a) that the teacher's licence or instructor's authorization to teach is suspended under section 59;
- (b) the reason for the Council's decision and the evidence or other material on which the decision was based;
- (c) that the Council will review the continuation of the suspension to decide whether it is an exceptional case in which the best interests of the public in general and of children in particular, would not be harmed if the suspension were ended.

(3) A notice of suspension under section 59 shall state the following -

- (a) that the teacher's licence or instructor's authorization to teach is suspended under section 59;
- (b) the reasons for the Council's decision and the evidence or other material on which the decision was based;
- (c) that the Council will refer a disciplinary matter to the relevant committee of the Council about whether a ground for disciplinary action against the teacher or instructor exists.

(4) The Council shall, at the same time as the notice of the suspension is given to the teacher or instructor -

- (a) give a copy of the notice to -
 - (i) the employing authority for, and the principal of, each educational

institution at which the teacher or the instructor is employed;

(ii) the Council's relevant committee.

(b) cause a notice of the suspension to be published in the *Gazette*.

(5) The Council shall refer the continuation of the suspension of the licence of a registered teacher or the authorization to teach of an instructor to the Council's relevant committee for review under section 61.

When suspension takes effect.

63. A suspension of a registered teacher's licence or an instructor's authorization to teach under section 58 or 59 takes effect on the day notice of the suspension is given to the teacher under section 59.

When suspension ends.

64. A suspension of a registered teacher's licence an instructor's authorization to teach under section 58 or 59 ends when the earliest of the following happens -

(a) the Council decides, under sections 61 and 66, to end the suspension;

(b) the teacher's registration or authorization to teach is cancelled under section 67.

Review of Continuation of Suspension

Requirement to decide whether to continue suspension under section 59.

65. - (1) The Council shall decide whether to continue the suspension of a registered teacher under section 57.

(2) The matter is to be decided in the Council's Professional Practice & Conduct Committee.

(3) The purpose of the decision is for the Council to decide whether it is an exceptional case in which the best interests of the public and particularly children would not be harmed if the suspension were ended.

Council to give notice inviting submissions to registered teacher.

66. - (1) The Council shall give the registered teacher a notice inviting the teacher to show, within a specified time, why the matter is an exceptional case in which the best interests of the public and particularly children would not be harmed if the suspension of the teacher's registration or authorization to teach were ended.

(2) The specified time shall be not less than twenty-eight days after the notice is given.

(3) The notice shall be given to the teacher immediately after the Council's relevant committee receives, under section 61, a copy of the notice of suspension given to the teacher.

The Council's decision about continuation of

67. - (1) After considering any submissions made by the registered teacher within the

suspension.

specified time under section 62, the Council shall decide whether it is an exceptional case in which the best interests of the public and in particular children would not be harmed if the suspension of the teacher were ended.

(2) If the Council is satisfied it is an exceptional case, the Council shall order the suspension be ended.

(3) The Council's decision shall be in writing and shall be made not later than twenty working days after the earlier of the following to happen -

- (a) the Council receives the registered teacher's submission under section 62;
- (b) the specified time under section 62 ends.

(4) If the Council does not make a decision within the twenty working day period under subsection (3), the Council is taken to have made an order ending the suspension.

(5) The Council shall, within twenty working days –

- (a) give notice of its decision to the registered teacher and the employing authority or body;
- (b) cause a notice of the decision to be published in the *Gazette*.

(6) The notice shall state the following -

- (a) the Council's decision and the reasons for it;
- (b) if the decision is that it is not an exceptional case, that the teacher may apply, within twenty-eight days after the notice is given and as otherwise provided under this Act, to the Teacher Appeal Tribunal for a review of the Council's decision.

Effect of suspension on registration or authorization to teach.

68. - (1) This section applies if a person's licence, registration or authorization to teach is suspended by the Council.

(2) During the suspension, the person shall not start or continue to teach in an educational institution.

(3) At the end of the suspension, the person holds the same licence, registration or authorization to teach, and on the same conditions, as the person held it immediately before the suspension.

(4) Subsection (3) applies subject to -

- (a) any order to the contrary made by the Council in relation to the person; and
- (b) payment by the person of the prescribed fee; and
- (c) if the period of the person's licence, registration, or authorization to teach ends

under section 37 or 38, during the suspension, renewal of the licence, registration, or authorization to teach.

Revocation

**Revocation
in particular
circumstances.**

69. - (1) This section applies if, after the commencement of this Act -
- (a) a registered teacher or instructor is convicted of a disqualifying offence; and
 - (b) the court that convicts the teacher or instructor imposes a term of imprisonment.
- (2) This section also applies if a registered teacher or instructor is or becomes a disqualified person because the teacher or instructor is or becomes a registered sexual offender.
- (3) The Council shall, as soon as possible after it becomes aware of the conviction or that the teacher or instructor is or has become a disqualified person as mentioned in subsection (2), revoke the teacher's licence, registration or instructor's authorization to teach.
- (4) The Council shall give notice of the revocation to the person immediately.
- (5) The notice referred to in subsection (4) shall state -
- (a) there is no appeal under this Act in relation to the Council's decision to revoke the teacher's licence, registration or the instructor's authorization to teach; and
 - (b) unless paragraph (c) applies, the teacher or instructor can never be granted a licence, registration or authorization to teach; and
 - (c) that the teacher or instructor can apply for licence, registration or authorization to teach if -
 - (i) the decision to revoke the teacher's licence, registration or the instructor's authorization to teach was made under this section; and
 - (ii) the conviction or order in relation to which the teacher's licence, registration or the instructor's authorization to teach was revoked is overturned on appeal.
- (6) A copy of the notice under subsection (4) shall -
- (a) be given to the employing authority for, and the principal of, the school educational institution at which the teacher is employed;
 - (b) be published in the *Gazette*.
- (7) There is no appeal under this Act against a decision of the Council under this section to revoke the teacher's licence, registration or authorization to teach.

(8) In this section, “appeal” includes review.

Effect of appeal on revocation.

70. - (1) This section applies if -

- (a) the licence or registration of a registered teacher or an instructor’s authorization to teach is revoked by the Council under section 64; and
- (b) any of the following is appealed -
 - (i) the conviction of the teacher or instructor of a disqualifying offence;
 - (ii) the imposition of an order for a term of imprisonment for the offence;
 - (iii) a decision of a court resulting in the teacher or instructor being subject to reporting obligations under Part VII of the Sexual Offences Act;
 - (v) the making of a sexual offender order.

(2) The revocation remains in effect during the appeal.

71. If the conviction, order or decision is overturned on appeal, the person is no longer a disqualified person for the purposes of this Act.

Disqualification Order

Licence

Licence.

72. - (1) A registered teacher shall only practise as a teacher while he is in possession of a valid licence granted to him by the Council in the prescribed form, on payment of the prescribed fee to the Registrar.

(2) A person who practises in contravention of subsection (1) shall be liable to such monetary penalties as the Minister may, after consultation with the Council by regulations, prescribe.

(3) If the name of a registered teacher is removed from the relevant register, any licence issued to him shall cease to be in force.

(4) A licence shall not be grant to a registered teacher during any period of suspension of his registration, and any licence granted to him prior to such suspension shall cease to be in force during the period of his suspension.

(5) A licence shall not be granted to a registered teacher unless the Council is satisfied that the registered teacher has demonstrated that he is competent to teach by virtue of having complied with the prescribed requirements, including –

- (a) maintaining the professional standards;
- (b) continuing professional development; and
- (c) currency of practice of at least three consecutive years within the five years immediately preceding the application for licence.

(6) The Council may issue a license to a registered teacher who does not meet the requirements set out in subsection (5) with the condition imposed for the teacher to meet the requirement within a particular period of time.

(7) If the teacher fails to meet the requirements within the particular period of time or during the time is shown to not be taking steps to fulfill the condition, the Council may revoke the licence.

Surrender of Registration, Authorization to Teach and Licence

Surrender of registration, authorization to teach and licence.

73. A registered teacher or instructor may surrender the teacher's registration or authorization to teach, respectively, by -

- (a) returning to the Registrar -
 - (i) the teacher's certificate of registration or the instructor's certificate of authorization to teach; and
 - (ii) if applicable, the teacher's licence; and
- (b) giving notice of the surrender to the Council.

Documents Evidencing Registration or Authorization to Teach

Form of certificate of registration.

74. - (1) A certificate of registration shall be in the prescribed form.

(2) The prescribed form shall provide for inclusion of the following -

- (a) the registered teacher's legal name;
- (b) whether the teacher holds full registration or provisional registration;
- (c) the teacher's identification number;
- (d) if the teacher holds provisional registration, the period of the registration;
- (e) the qualifications held by the teacher and -
 - (i) relied on by the teacher to obtain registration; or
 - (ii) evidence of which has otherwise been given to the Council; and
- (f) if the teacher holds provisional registration, any conditions of the registration.

Form of certificate of authorization to teach.

75. - (1) A certificate of authorization to teach shall -

- (a) be issued for a period corresponding with the period of authorization to teach
- (b) be in the prescribed form.

(2) The prescribed form shall provide for inclusion of the following -

- (a) the instructor's legal name;
- (b) the period of the authorization to teach;
- (c) the instructor's identification number;
- (d) any conditions of the authorization to teach; and
- (e) a photograph.

Requirements for licence and certificate of authorization to teach.

76. - (1) A licence shall -

- (a) be issued to a teacher with full registration for a period of five years; and
- (b) be in the prescribed form.

(2) The prescribed form for a licence shall provide for the inclusion of the following -

- (a) the name of the registered teacher or education professional;
- (b) whether the teacher holds full registration or provisional registration;
- (c) if the teacher hold provisional registration, the conditions to which it is subject;
- (d) the period for which the licence is issued;
- (e) the identification number of the registered teacher or education professional; and
- (f) a recent photograph of the registered teacher or education professional.

Replacement certificate of registration, licence or certificate of authorization to teach.

77 - (1) A registered teacher or an instructor may apply to the Council for replacement of his registration certificate, licence, or certificate of authorization to teach, if it has been lost, stolen, destroyed or damaged.

(2) The application shall be -

- (a) in the prescribed form; and
- (b) accompanied by the prescribed fee.

(3) The Council may grant the application only if it is satisfied the certificate or licence has been lost, stolen or destroyed or damaged in a manner that requires its replacement.

Requirement to Return Certificate of Registration or Authorization to Teach, etc. on Suspension or Revocation

Return of certificate of registration or authorization to teach, etc. on suspension or revocation.

78. - (1) This section applies if a registered teacher's full registration or provisional registration or an instructor's authorization to teach is suspended or revoked by the Council.

(2) The teacher or instructor shall, unless the teacher or instructor has a reasonable excuse, return each of the following to the Council within fourteen days after receiving notice of the suspension or revocation -

- (a) the teacher's certificate of registration or the instructor's authorization to teach;
- (b) for a registered teacher, the teacher's licence; and
- (c) for an instructor, the person's certificate.

CPD Framework

Development or recognition of CPD framework by Council.

79. - (1) The Council shall, with the approval of the Minister, develop or recognize a framework for the continuing professional development of teachers (hereinafter referred to as the "*CPD framework*").

(2) In developing the CPD framework, the Council shall -

- (a) have regard to the professional standards; and
- (b) consult with such bodies that are in its opinion representative of teachers, as it thinks necessary.

(3) Subsection (2) does not prevent the Council from consulting with another person or body.

(4) The Council shall give notice to all registered teachers to whom the framework is relevant of the matters provided for in the CPD framework.

(5) The CPD framework may state any of the following, for the requirement specified in section 67(5) for granting a licence -

- (a) the type of continuing professional development required; and
- (b) the minimum continuing professional development a registered teacher shall undertake.

(6) The Council shall make the framework available for inspection by the public.

PART VII. *Professional Discipline of Teachers*

Suspension Without Inquiry

Council may suspend registration or authorization to teach.

80. - (1) The Council may decide that it intends to suspend the registration held by, or the authorization to teach granted to, a person under this Act if that person is, in Jamaica or outside Jamaica, charged with a sexual offence or any specified offence.

(2) The Council shall serve, on a person to whom subsection (1) applies, a notice in accordance with subsection (3), of the Council's intention to suspend the

registration held by, or the authorization to teach granted to, that person.

(3) A notice served under subsection (2) shall be in writing and shall set out the following -

- (a) that the Council intends to suspend the registration or authorization to teach, as the case may be, of the person;
- (b) the ground for suspension;
- (c) that the person may make written submissions to the Council regarding the intended suspension;
- (d) that the person shall lodge any written submissions with the Council within ten days after being served with the notice; and
- (e) any requirements relating to the form and content of submissions that may be made to the Council.

(4) A copy of a notice served under subsection (2) shall also be sent on any person employing the person subject to the intended suspension as a teacher.

(5) In deciding whether to suspend a person under this section, the Council shall take into account any submissions made in accordance with the notice served under subsection (2) by that person.

(6) If the Council decides to suspend a person under this section it shall serve a written notice on the person containing the following -

- (a) that the person is suspended;
- (b) the date that the suspension takes effect (which shall be no earlier than the date that the notice is served);
- (c) the period that the suspension may remain in force under subsection (10).

(7) A copy of a notice served under subsection (6) shall also be served on any person employing the person subject to the suspension as a teacher. Additionally, public notice

(8) A suspension under this section takes effect on the date specified by the Council in the notice served under subsection (6).

(9) The validity of a suspension under this section is not affected by any failure to serve a copy of a notice under subsection (4) or (7), so, however, that the employer shall not be held liable for continuing to employ the person unless or until served with the notice of suspension.

(10) A suspension under this section remains in force until the earlier of the following occurs -

- (a) the Council revokes the suspension; or
- (b) the charge that forms the ground for the suspension is dealt with in any of the following ways –
 - (i) the charge is withdrawn or the prosecution for the offence charged is discontinued;
 - (ii) the person dies without the charge having been determined;
 - (iii) the charge is dismissed by a court;
 - (iv) the person is discharged by a court following a committal proceeding;
 - (v) the person is acquitted of the offence by a court;
 - (vi) the person is de-registered because of being found guilty of the offence by a court.

(11) Where the charge is withdrawn or the prosecution for the offence charged is discontinued, or where, for any other reason, the charge is not dealt with on the merits or evidence of the case, the revocation of suspension does not preclude the Council from initiating its own investigations and, where warranted, imposing sanctions.

(12) If more than one charge forms the ground for the suspension, subsection (10)(b) does not apply until each of the charges is dealt with in accordance with that paragraph.

(13) If the Council revokes a suspension under this section it shall immediately notify the person subject to that suspension and any employer served with a copy of a notice under subsection (7) of the revocation.

Effect of suspension of registration.

81. For the purposes of this Act, a person whose registration or authorization to teach is suspended is deemed not to be registered for the period of that suspension.

Revocation of Registration or Authorization to Teach

Revocation of registration or authorization to teach without inquiry.

82. - (1) A person who is registered as a teacher under this Act ceases to be so registered if the person is, in Jamaica or outside of Jamaica, convicted or found guilty of a sexual offence or a specified offence.

(2) A person who has obtained the authorization of the Council to teach in a school ceases to have that authorization if the person, in Jamaica or elsewhere, is

convicted or found guilty of a sexual offence or a specified offence.

(3) A person who, in Jamaica or outside of Jamaica, is convicted or found guilty of a sexual offence or a specified offence is disqualified from teaching.

(4) For the purposes of subsections (1), (2) and (3), a conviction or finding of guilt takes effect on the date of the conviction or finding of guilt and the lodging of an appeal against the conviction or finding does not affect the operation of those subsections.

(5) If a finding or conviction in relation to a person referred to in subsection (1), (2) or (3) is quashed or set aside on appeal, the relevant subsection ceases, from the date the finding or conviction was quashed or set aside, to apply to the person with respect to that particular finding or conviction.

(6) Nothing in this section limits the powers of the Council under this Part.

(7) This section applies to any conviction or finding of guilt of a sexual offence or a specified offence whether occurring before, on or after the commencement of this Act.

Powers of Disciplinary Inquiry

Powers of disciplinary inquiry.

83. - (1) The Council may in accordance with this Act -

- (a) inquire into any information it receives under section 84 or 85; or
- (b) inquire into any complaint that provides evidence -
 - (i) of the serious incompetence of a registered teacher or instructor;
 - (ii) of the serious misconduct of a registered teacher or instructor;
 - (iii) that a registered teacher or instructor is not a fit and proper person to be a teacher or instructor;
 - (iv) that a teacher or instructor has improperly obtained registration as a teacher or instructor; or
 - (v) that a teacher's registration or the instructor's authorization to teach has been suspended, cancelled or otherwise withdrawn by another teacher regulatory authority.
- (c) conduct an inquiry into whether -
 - (i) a provisionally registered teacher has failed to comply with any condition, limitation or restriction imposed on their registration;
 - (ii) an instructor has failed to comply with any condition, limitation or restriction imposed on their registration;
 - (iii) a fully registered teacher has failed to comply with any condition,

limitation or restriction imposed on their registration;

- (iv) a registered teacher or instructor has contravened or failed to comply with a provision of this Act.

(2) The Council shall, in writing, notify -

- (a) the registered teacher or instructor; and
 (b) the employer of the registered teacher or instructor; and
 (c) the person who made the complaint,

of its determination to inquire or not to inquire into the registered teacher's or instructor's competence or fitness to teach or the conduct of the registered teacher or instructor.

**Employer, etc.
to notify
Council
of action
against teacher
or instructor.**

84. - (1) The employer of a registered teacher or an instructor, shall inform the Council if the employer has taken any action against that person in response to allegations of serious incompetence, serious misconduct or that the person is unfit to be a teacher or instructor or any other actions that may be relevant to the person's fitness to teach, including physical or mental incapacity.

(2) The employer of a person who is a registered teacher or instructor shall provide the Council with any information the Council may reasonably require to conduct an inquiry under this Part.

(3) The employer of a person who is a registered teacher or instructor shall immediately notify the Council if the employer becomes aware that the person has been charged with or committed for trial for a sexual offence or an indictable offence or convicted or found guilty of a sexual offence or specified offence.

(4) The Commissioner of Police shall immediately notify the Council if the Commissioner becomes aware that a registered teacher or instructor has been charged with, or committed for trial for, or found guilty of -

- (a) a sexual offence or a specified offence; or
 (b) an offence under the *Dangerous Drugs Act*.

Investigations

**When matters
are to be
investigated.**

85. - (1) The Council shall investigate -

- (a) a complaint of serious incompetence or serious misconduct;
 (b) a complaint involving the continued fitness to teach of a registered teacher or instructor; or
 (c) if the Council is informed by the employer of a registered teacher or instructor

that the employer has taken any action against the registered teacher or instructor.

(2) In order to determine whether or not to conduct a formal or informal hearing into a matter, the Council may conduct an investigation into the matter or request the employer of the teacher or instructor who is the subject of the inquiry to conduct the investigation.

(3) The Council may, in writing, delegate to any of the following its power to conduct an investigation, other than its power to make determinations upon an investigation -

- (a) an employee of the Council;
- (b) an investigator retained by the Council;
- (c) a member of the Council or a number of members not exceeding three; or
- (d) the employer of the teacher or instructor.

Outcome of investigation.

86. - (1) Upon completing an investigation, the person conducting the investigation may make one of the following recommendations -

- (a) that no further action should be taken; or
- (b) that an informal or formal hearing should be held into the matter.

(2) The Council shall determine whether or not to act on the recommendations of any person conducting the investigation.

(3) Where the Council determines to conduct an informal or formal hearing it shall notify the employer of the teacher or instructor of that determination; and if disciplinary proceedings were in progress by the employer in respect of the same matter, such proceedings shall be stayed as at the date of receipt of the notice, pending the outcome of the matter by the Council.

Council may determine to conduct a hearing.

87. The Council may, of its own motion, determine to conduct a formal or informal hearing into the competence or fitness to teach or the conduct of the registered teacher or instructor without conducting an investigation.

Formal and Informal Disciplinary Hearings

Establishment and notification of an informal hearing.

88. If the Council has determined under section 86 or 87 that an informal hearing be held into the conduct, competence or the continued fitness to teach of a registered teacher or instructor, the Council shall -

- (a) refer the matter to the Professional Practice and Conduct Committee to hold the

informal hearing; and

- (b) fix a time and place for the hearing to be held; and
- (c) by registered post and any other method that the Council thinks fit, serve a notice on the registered teacher or instructor in accordance with section 90; and
- (d) serve notice on any complainant by post in accordance with section 103(4) (a) and (b).

Restriction on membership of Professional Practice and Conduct Committee.

89. - (1) A person who has made a complaint or undertaken a preliminary investigation of the matter is not entitled to be a member of the Professional Practice and Conduct Committee.

(2) The Chairperson of the Council may fill a vacant position on the Professional Practice and Conduct Committee by appointing a person who is not a member of the Council if -

- (a) the Professional Practice and Conduct Committee is unable to hear the matter because there are not enough members available to sit on it; or
- (b) the Council is of the opinion that a person with special expertise is required for the hearing.

Notice of an informal hearing.

90. A notice of an informal disciplinary hearing shall -

- (a) state the nature of the hearing and the complaint made against the teacher or instructor; and
- (b) give the time and place of the hearing; and
- (c) state that the teacher or instructor on receipt of notice may choose to have the matter determined by a formal hearing and state the differences between a formal and informal hearing; and
- (d) state that the teacher or instructor is entitled to be present and to make submissions to the Committee;
- (e) state that the teacher or instructor is entitled to be accompanied by an advocate, who with the permission of the Committee, may make representations on behalf of the teacher or the instructor to the Committee; and
- (f) state that the hearing is not open to the public; and
- (g) list the findings the Professional Practice and Conduct Committee can make.

Conduct of an informal hearing.

91. At an informal hearing -

- (a) the Professional Practice and Conduct Committee shall hear and determine

whether or not the matter before it should proceed to a formal hearing; and

- (b) the teacher or instructor who is the subject of the hearing is entitled to be present, and to make submissions;
- (c) the teacher or instructor is entitled to be accompanied by an advocate, who with the permission of the Committee may make representations on behalf of the teacher or instructor to the Committee; and
- (d) the proceedings of the hearing shall not be open to the public.

Findings and determinations of an informal hearing.

92. - (1) After considering all the submissions made to the hearing, the Committee may find -

- (a) the matter should be referred to a formal hearing; or
- (b) the matter should not be referred to a formal hearing.

(2) If the Committee finds that there should be a formal hearing the Committee shall refer the matter to a formal hearing.

Change of informal hearing to formal hearing during course of hearing.

93. If, before the end of the informal hearing -

- (a) the teacher or instructor requests that a formal hearing be held; or
- (b) the Professional Practice and Conduct Committee is of the opinion that a formal hearing should be held,

the Committee shall abandon the informal hearing and refer the matter to a formal hearing.

Establishment and notification of formal hearing.

94. If –

- (a) the Council has determined that a formal hearing be held; or
- (b) the Professional Practice and Conduct Committee has referred a matter to a formal hearing,

the Council shall -

- (i) appoint a panel to hold the hearing; and
- (ii) fix a time and place for the hearing to be conducted; and
- (iii) serve a notice on the teacher or instructor by registered post which complies with section 93; and
- (iv) serve a notice on any complainant by registered post which complies with section 103 (4) (a) and (b).

Constitution of a hearing panel

95. - (1) A panel appointed to hold a formal hearing shall consist of not less than three

for a formal hearing.

persons, of whom -

- (a) one, is to be the Chairperson, shall be a member of the Council; and
- (b) one shall be of the category of person subject to the proceedings.

(2) The Chairperson of the Council may fill a vacant position on the panel by appointing a person who is not a member of the Council if -

- (a) the Council is unable to appoint a panel because there are not enough members available to sit on it; or
- (b) the Council is of the opinion that a person with special expertise is required for the hearing.

(3) The following people are not entitled to be members of a panel for a formal hearing -

- (a) a person who has undertaken an investigation of the matter which is the subject of the hearing;
- (b) a person who has been a member of the Professional Practice and Conduct Committee which held an informal hearing into the matter;
- (c) a complainant; and
- (d) an instructor (unless representative of the category of person subject to the proceedings).

Notice of a formal hearing.

96. A notice of a formal hearing shall -

- (a) state the nature of the hearing and the complaint or allegations made against the teacher or instructor;
- (b) give the time and place of the hearing; and
- (c) state that there is a right to make submissions and to be represented, list the possible findings the panel can make and state that there is a right to apply for a review of the panel's determinations.

Conduct of a formal hearing.

97. At a formal hearing -

- (a) the hearing panel shall hear and determine the matter before it; and
- (b) the teacher or instructor who is the subject of the hearing is entitled to be present, to make submissions and to be represented; and
- (c) if the hearing arises out of a complaint, the identity of the complainant is not to

be published or broadcast and the complainant -

- (i) is entitled to be present; and
 - (ii) if not called as a witness, may make written submissions with the permission of the panel; and
- (d) the panel may determine that the identity of any witness giving evidence in the proceedings is not to be published or broadcast; and
- (e) the panel may determine that any information that might enable the teacher or instructor who is the subject of the hearing to be identified prior to the making of a final determination shall not be published if the panel considers it necessary to do so to avoid prejudicing the administration of justice or for any other reason in the interests of justice.

Findings and determinations of a formal hearing into conduct.

98. - (1) After considering all the submissions made to a formal hearing into the conduct of a registered teacher or instructor, the panel may make findings about whether or not -

- (a) the person has engaged in serious misconduct;
- (b) the person has been seriously incompetent in his teaching practice; or
- (c) the person is not fit to teach.

(2) If after considering the submissions made at an inquiry the panel finds in respect of the teacher or instructor that -

- (a) the person is seriously incompetent in his teaching practice;
- (b) the person is not fit to teach;
- (c) the person is guilty of serious misconduct;
- (d) the person has contravened or failed to comply with any provision of this Act;
- (e) the person has contravened or failed to comply with any condition, limitation or restriction imposed on his provisional registration, authorization to teach or licence, as the case may be; or
- (f) the registration, authorization to teach or licence of the person, as the case may be, has been obtained by fraud or misrepresentation or concealment of facts,

the panel may make a determination to do one or more of the actions set out in subsection 94 (3) –

- (3) The panel may -
 - (a) change the registration status of the teacher from full to provisional and impose

conditions, limitations or restrictions on the registration of the teacher;

- (b) impose conditions, limitations or restrictions on the authorization to teach of the instructor;
- (c) suspend the registration of the teacher or the authorization to teach of the instructor for the period and subject to the conditions, if any, specified in the determination;
- (d) cancel the registration of the teacher or the authorization to teach of the instructor; or
- (e) cancel the licence of a fully registered teacher.

General Provisions Relating to Discipline Inquiries

Inquiry may continue even if a person is no longer registered.

99. The Council may conduct or continue to conduct an inquiry into the conduct or activities of a person who was a registered teacher or instructor at the time of the conduct or activities but who has ceased to be a registered teacher or instructor as if the person were a registered teacher or instructor.

Procedure at formal and informal hearings.

100. At a formal hearing or an informal hearing -

- (a) subject to this Part, the procedure of the Professional Practice and Conduct Committee or a panel is in its discretion; and
- (b) the proceedings shall be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit; and
- (c) the Committee or a panel is not bound by 'rules of evidence' applicable in court proceedings but, subject to the rules of natural justice, may inform itself in any way it thinks fit; and
- (d) the Committee or a panel is bound by the rules of natural justice.

Determinations.

101. - (1) A determination made by a panel on a hearing comes into operation on its making or at any later time specified in the determination.

(2) A determination of a panel has effect as if it were a determination of the Council.

Notice of revocations and determinations of panel.

102. - (1) The Council shall advise the teacher or instructor of the determination of the Professional Practice and Conduct Committee or a panel under this Part and of the reasons for the determination, within twenty-eight days after the making of the determination.

(2) The Council shall advise a person whose registration or authorization to

teach is suspended or revoked under this Part of that suspension or revocation.

Notifications.

103. - (1) If a determination has been made by a panel to –

- (a) change the registration status of the teacher or instructor;
- (b) impose conditions, limitations or restrictions on the provisional registration of the teacher;
- (c) impose conditions, limitations or restrictions on the authorization to teach of the instructor;
- (d) suspend the registration of the teacher or the authorization to teach of the instructor;
- (e) cancel the registration of the teacher or the authorization to teach of the instructor,
- (f) cancel the provisional licence of a fully registered teacher,

the Council shall give notice of the determination in the manner set out in subsection (2).

(2) The Council shall give notice of the determination -

- (a) in the *Gazette*;
- (b) to the National Council on Education;
- (c) to the teacher's or instructor's employer;
- (d) to the Permanent Secretary in the ministry responsible for education; and
- (e) if the Council has received a request for information about the person in respect of whom the determination has been made from a teacher registration authority outside Jamaica, that authority.

(3) Notice under subsection (2) shall be given within fourteen days or as soon as practicable after the determination has been made.

(4) If a complaint has been made to the Council, the Council shall notify the complainant -

- (a) of whether or not a formal or an informal hearing is to be conducted into the matter and, if so, of the time and place of the hearing and, in the case of a formal hearing, of the fact that the complainant's identity is not to be published or broadcast;
- (b) in the case of a formal or informal hearing, that the complainant has a right to make submissions at the hearing; and
- (c) of the findings and determinations of any hearing arising from that complaint

and the reasons for those findings and determinations, within twenty-eight days after their having been made.

Offence to disclose information identifying complainant, witness or teacher.

104. - (1) A person shall not publish or broadcast or cause to be published or broadcast any report of a formal hearing under this Part which contains information which would enable -
- (a) the complainant to be identified; or
 - (b) if the panel has made a determination prohibiting the publication or broadcast of the identity of a witness, that witness to be identified; or
 - (c) if the panel has made a determination prohibiting the publication or broadcast of the identity of a registered teacher or instructor prior to the making of a final determination, that teacher or instructor to be identified prior to the making of the final determination, unless the complainant, witness or teacher or instructor has, before publication or broadcast, consented.

(2) A person who contravenes subsection (1) commits an offence and is liable upon summary conviction in a Resident Magistrates court to a fine not exceeding two hundred and fifty thousand dollars.

Enforcement of determination.

105. - (1) The Council shall take all action necessary to give effect to a revocation of registration or authorization to teach under section 81 or a determination made on an inquiry under this Part.

(2) Action under subsection (1) includes -

- (a) the amendment of a certificate of registration or authorization to teach; and
- (b) the recording of matters in the appropriate register.

(3) A registered teacher or instructor and an employer of a registered teacher or instructor with notice of the Council's determination who do not comply with the said determination under section 98 commits-an offence.

Revocation of suspension.

106. - (1) The Council may at the request of the person concerned or on its own initiative revoke the suspension of the person's registration.

(2) The Council shall, without delay, give written notice of the revocation to the person concerned.

PART VIII. Appeals

Establishment of Teacher Appeal Tribunal.

107. - (1) There is hereby established for the purpose of hearing appeals from the decisions of the Council and any disciplinary decision taken by the Board of Management

of any public educational institution, a Teacher Appeal Tribunal.

Third Schedule.

(2) The provisions of the Third Schedule shall have effect as to the constitution of the Teacher Appeal Tribunal and otherwise in relation thereto.

Appeals to Tribunal.

108. - (1) Any person who is aggrieved by any disciplinary decision taken by the Board of Management of any public educational institution or a decision of the Council, including -

- (a) the refusal of the Council to licence him as a teacher under this Act;
- (b) the refusal of the Council to grant him registration, provisional registration or authorization to teach;
- (c) any disciplinary decision taken by the Council pursuant to Part VII;
- (d) to suspend his registration or licence or to cause his name to be removed from the register; or
- (e) the imposition of any condition, limitation or restriction,

may appeal to the Tribunal against the decision within such time and in such manner as may be prescribed.

(4) A registered teacher or instructor may, within twenty-eight days of the date of service of a notice under subsection (2), apply to the Teacher Appeal Tribunal for annulment of the decision and the tribunal, on hearing the application, may –

- (a) reprimand the teacher or instructor;
- (b) in the case of a registered teacher -
 - (i) impose conditions of the teacher's registration;
 - (ii) suspend the teacher's registration for a specified period or until the fulfilment of specified conditions or until further order;
 - (iii) cancel the teacher's registration with immediate effect or effect at a future specified date;
- (c) disqualify the teacher or instructor from being registered as a teacher or authorized to teach permanently or for a specified period or until the fulfilment of specified conditions or until further order;
- (d) annul the decision;
- (e) confirm the decision and as the tribunal considers appropriate -
 - (i) direct the Council to remove the registered teacher from the Register;
 - (ii) direct that during a specified period (which period shall commence

not earlier than seven days after the date of the decision of the tribunal and shall not exceed two years) registration shall be suspended, or

- (iii) direct the Council to retain the registration subject to such conditions (if any) as the tribunal considers appropriate;
- (f) vary the decision of the Board of Management;
- (g) give such other directions to the Council as the tribunal considers appropriate; or
- (h) make such order as to costs as it considers appropriate.

(4) The Teacher Appeal Tribunal may, on an appeal under subsection (3), either confirm the decision appealed against or vary or quash that decision, and the Tribunal may from time to time return the proceedings to the person or authority concerned with the making of that decision for further information or for such other action as the Tribunal thinks just.

(6) Following a decision under this section by the Tribunal or the Supreme Court, as the case may be, the Council shall, within twenty-eight days or as soon as is reasonably practicable, by notice in writing inform the teacher, the applicant, the Minister and, where the teacher is employed as a teacher, his employer, of the decision.

(7) A person who has been removed from the Register under this section may apply to the Council to be registered on the expiration of a period not less than two years.

PART IX. *Offences and Penalties Generally*

Offences involving fraud and misrepresentation, etc.

109. - (1) A person shall not -

- (a) fraudulently make use of a certificate of registration or licence or authorization to teach granted under this Act to such person or to any other person; or
- (b) makes, or causes to be made, any false declaration or representation for the purpose of obtaining registration or licensing under this Act or aids or abets any other person in the making of any such false declaration or representation.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months or, to both such fine and imprisonment.

(3) A person, in giving any information under this Act, shall not -

- (a) make a statement knowing it to be false or misleading; or

- (b) omit any matter knowing that without that matter the information is misleading.

(4) A person who contravenes subsection (3) commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months or, to both such fine and imprisonment.

PART X. *General*

Conditions for claimant to recover in proceedings.

110. In any action or other legal proceedings brought against any member of the Council, in respect of any act done in pursuance or execution, or intended execution of this Act, the claimant shall not recover unless he alleges in his pleadings and proves at the hearing, that such act was done either maliciously or vexatiously, without reasonable or probable cause.

Regulations.

111. – (1) Subject to the prior approval of the Minister, the Council may make regulations generally for the proper carrying out of the purposes and provisions of this Act.

(2) Without limiting the generality of subsection (1), the regulations may make provision for or relating to -

- (a) exemptions (conditional or unconditional) from specified provisions of this Act;
- (b) assessment by the Council, on application, of qualifications for registration; and
- (c) fees in respect of any matter under this Act and their payment, recovery or waiver.

(3) The regulations may be of general application or vary in their application according to prescribed factors or circumstances.

Minister may increase monetary penalties and amend Schedules.

112. The Minister may by order, subject to affirmative resolution of the House of Representatives -

- (a) increase any monetary penalty under this Act; or
- (b) amend any of the Schedules.

Amendment of Education Act.

113. - (1) The following provisions of the Education Act are repealed -

- (a) section 5;
- (b) Part V; and

(c) the First and Fourth Schedules.

(2) Regulation 45(3) to (8) of the Education Regulations, 1980 is revoked.

PART XI. *Transitional Provisions*

Interpretation of Part.

114. In this Part -

“currently teaching”, in relation to an individual, means engaged, employed, appointed as a teacher or granted authorization to teach, in an educational institution, whether or not the individual was actually teaching, immediately before the commencement date; and

“right” means any right, power, privilege or immunity whether actual, contingent or prospective.

Current registration continues.

115. Every person who immediately before the commencement date, was registered under the Education Act as a trained teacher, pre-trained teacher or an authorized teacher shall be deemed from that date to be registered on the same terms and conditions (including suspension and period of registration) as applied in respect of that person in the appropriate register under this Act and the Registrar shall, as soon as practicable after the commencement date enter the required particulars of such person in the appropriate register.

Registration of persons not currently registered at the commencement date.

116. - (1) This section applies to an individual who immediately before the commencement date -

(a) held a qualification in teaching approved by the Council for the purposes of this section; and

(b) was not registered as a teacher under the Education Act.

(2) An individual to whom this section applies who is currently teaching and has taught at an educational institution –

(a) for a period of at least three years is eligible for registration as a teacher; and

(b) for a period of less than one year is eligible for provisional registration as a teacher.

(3) An individual to whom this section applies who is not currently teaching but has taught at an educational institution at some time before the commencement date is eligible for either full registration or provisional registration as a teacher, as the Council decides appropriate.

(4) The Council shall, on application made in the manner approved by the

Council, register an individual eligible for registration as a teacher under this section unless the Council is satisfied that the person is not a fit and proper person to be a registered teacher.

(5) An application for registration -

- (a) by a person eligible for registration under subsection (2) shall be made within eighteen months after the commencement date; or
- (b) by a person eligible for registration under subsection (3) shall be made within two years after the commencement date,

or such later time as the Council may allow having regard to the circumstances of a particular case.

(6) This Act does not apply to, or in respect of, an individual to whom this section applies until, whichever is the earlier of the following -

- (a) the expiration of the period during which the individual could apply for registration under this section;
- (b) if the individual has made an application for registration under this section, when that application is dealt with by the Council.

(7) An individual to whom this section applies who is aggrieved by a decision of the Council under this section may apply to the Teacher Appeal Tribunal for a review of the decision.

Disciplinary proceedings under Education Act.

117. Disciplinary proceedings commenced under the *Education Act* that are not complete by the commencement date -

- (a) are taken to have been commenced under this Act; and
- (b) are to be dealt with under this Act.

Orders made under Education Act.

118. An order for disciplinary action in force immediately before the commencement date under the *Education Act* is to be taken to be an order made by a disciplinary committee or the Council, as is relevant under this Act.

Transitional regulations.

119. - (1) If there is no sufficient provision in this Part for dealing with a transitional matter, regulations under this Act may prescribe all matters that are required or necessary or convenient to be prescribed in relation to that matter.

(2) In subsection (1), “*transitional matter*” means a matter that needs to be dealt with for the transition required because of this Act.

(3) Regulations made under subsection (1) may provide that specified

provisions of any written law -

- (a) do not apply to or in relation to any matter; or
- (b) Apply with specified modifications to or in relation to any matter.

(4) If regulations made under subsection (1) provide that a specified state of affairs is to be taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the commencement date, the regulations have effect according to their terms.

(5) In subsections (3) and (4) “*specified*” means specified or described in the regulations.

(6) If regulations contain a provision referred to in subsection (4), the provision does not operate so as -

- (a) to affect in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before the regulations were published in the *Gazette*; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the regulations were published in the *Gazette*.

References.

120. References to the Teachers Service Commission in the Education Regulations, 1980, are to be replaced by references to the Jamaica Teaching Council.

FIRST SCHEDULE (Section 5)

The Jamaica Teaching Council

Seal and Execution of Documents

Seal and execution of documents.

1. - (1) The seal of the Council shall be –
 - (a) kept in the custody of the chairman or the secretary; and
 - (b) authenticated by the signatures of the chairman or any other member of the Council authorized to act in that behalf by the Council, and secretary.
- (2) All documents (other than those required by law to be under seal) made by, and all decisions of, the Council may be signified under the hand of the chairman or any member authorized to act in that behalf or secretary.

Financial Provisions, Accounts and Reports

Funds and resources

2. – (1) The funds and resources of the Council shall consist of –

of Council.

- (a) such sums as may, from time to time, be placed at the disposal of the Council by Parliament; and
- (b) all other sums and other property which may, in any manner, become payable to or vested in the Council in respect of any matter relating or incidental to its functions.

(2) The expenses of the Council, including the remuneration of members, officers and employees, shall be paid out of the funds of the Council.

Power to invest moneys.

3. All moneys of the Council, not immediately required to be expended for the purpose of meeting any of the obligations or discharging any of the functions of the Council, may be invested in such securities as may be approved by the Financial Services Commission -

- (a) may, with the approval of the Board, sell all or any of the securities;
- (b) shall, as soon as practicable, notify the Board, in writing, of any action taken under this paragraph.

Accounts and audit.

4. – (1) The Council shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in accordance with the *Public Bodies Management and Accountability Act* being a form which conforms with established accounting principles.

(2) The accounts of the Council shall be audited annually by an auditor appointed by the Council with the approval of the Board.

(3) An auditor so appointed shall be a registered public accountant within the meaning of section 2 of the *Public Accountancy Act*.

(4) The members, officers and employees of the Council shall –

- (a) grant to the auditor appointed under subsection (2), access to all books or other documents, cash and securities of the Council; and
- (b) give to the auditor, upon request, all such information as may be within their knowledge in relation to the business of the Council.

(5) The auditor's fees and any expenses of the audit shall be paid by the Council.

(6) The Auditor-General shall be entitled at all reasonable times to examine the accounts and other records of the Council in relation to the business of the Council.

Operating plan.

5. The Council shall, in each financial year, on or before a date specified by the Board, submit to the Board for his approval an

operating plan for that year as to –

- (a) the projects to be promoted or sponsored, by the Council;
- (b) the operational framework within which the Council shall carry out its functions; and
- (c) such other matters as the Board may require.

Returns, etc.

6. The Council shall furnish the Board with such returns, accounts and other information as may require with respect to the activities of the Council and afford the facilities for verifying the information in such manner and at such time as may reasonably be required.

Annual report and estimates.

7. - (1) The Council shall, within four months after the end of each year, or within such longer period as may in special circumstances allow, cause to be made and transmitted to the Minister, a report dealing generally with the activities of the Council during the preceding year which shall include a statement of its accounts audited in accordance with paragraph 20.

(2) The Minister shall cause copies of the report together with the auditor's report to be laid on the Table of the House of Representatives and the Senate.

(3) The Council shall, before a date specified by the Board, submit, estimates of revenue and expenditure for the ensuing financial year to the Minister for his approval.

Exemption from taxes and duties.

8. – (1) The income of the Council shall be exempt from income tax.

(2) The Council shall be exempt from liability to pay stamp duty in respect of any instrument executed by it or on its behalf.

(3) Any transfer by the Council of any property belonging to it or of any right or interest created in, over or otherwise with respect to, any such property, shall be exempt from transfer tax.

(4) The Council shall be exempt from General Consumption Tax.

(5) No customs duty, or other similar impost shall be payable upon any article imported into Jamaica or taken out of bond in Jamaica by the Council and shown or certified to the satisfaction of the Commissioner of Customs to be required for the use of the Council in the performance of its functions.

Recovery of debts.

9. Without prejudice to any other method of recovery, all debts due to the Council may be recovered in a Resident Magistrate's Court as a civil debt notwithstanding any limitation as to the amount recoverable under the Judicature (Resident Magistrates) Act.

SECOND SCHEDULE

(Section 11)

**Constitution
of Board.**

1. – (1) The Board shall consist of not more than twenty-five members.

(2) The following persons shall be members of the Board *ex officio* –

- (a) the Financial Secretary;
- (b) the Solicitor-General;
- (c) the head of the department responsible for school services in the Ministry responsible for education;
- (d) the Chief Executive Officer;
- (e) the chief executive officer of the Jamaica Tertiary Education Commission;
- (f) the Executive Director of the National Council on Education.
- (g) the Chief Inspector of the National Education Inspectorate

(3) The other members of the Board (hereinafter referred to as “the appointed members”) shall include -

- (a) six registered teachers nominated by an association recognised by the Minister as representing teachers in Jamaica, three of whom shall be licensed and practising as a teacher;
- (b) a nominee of the Private Sector Organisation of Jamaica or any other body or person that the Minister recognizes as representing the private sector;
- (c) a representative of the accredited universities in Jamaica and any other university recognized by the Minister;
- (d) a representative from a teacher training institution that is not a university;
- (e) three nominees of the person or body that the Minister recognizes as representing religious denominations which own educational institutions in Jamaica;
- (f) a nominee of the Parenting Support Commission or such other body as appears to the Minister to represent the interests of parents;
- (g) two nominees of the Independent Schools Association or such other body as appears to the Minister to represent the interests of Independent Schools; and
- (h) three persons appointed by the Minister being persons who appear to the Minister to be appropriate for appointment under this paragraph.

(4) The Minister shall ensure, as far as practicable, that the persons appointed under subsection (3) consist of equal numbers of women and men.

**Disqualifi-
cation for**

2. – (1) No person shall be qualified for appointment as a member of the Board who -

- appointment.**
- (a) is a member of the Senate or the House of Representatives;
 - (b) has been convicted of an offence involving fraud, dishonesty or moral turpitude; or
 - (c) an undischarged bankrupt.

(2) For the purposes of this paragraph, a person shall be regarded as being associated with a body or other person if the person is –

- (a) connected to the body or other person in the capacity of a director, officer, employee, auditor of the body or other person; or
- (b) an immediate relative of the director, officer, employee or auditor.

(3) In this paragraph “immediate relative” means any of the following –

- (a) husband or wife;
- (b) son or daughter;
- (c) father;
- (d) mother;
- (e) brother or sister.

Temporary appointments.

3. The Minister may appoint any person to act temporarily in the place of any appointed member of the Board in the case of the absence or inability to act of such member in keeping with the composition of the Board.

Chairman and deputy chairman.

4. - (1) The Minister shall appoint a chairman of the Board from among the members of the Board.

(2) The members of the Board shall appoint a deputy chairman from among the members of the Board.

(3) In the case of the chairman being absent from or unable to act at any meeting the deputy chairman shall exercise the functions of the chairman, in any case in which the deputy chairman is present at the meeting and is able to so act.

(4) In the case of the chairman and the deputy chairman being absent from or unable to act at any meeting, members of the Board present at the meeting shall elect one of their number to act as chairman at that meeting.

Leave of absence.

5. On the application of any member, the Minister may grant leave of absence to the member.

Tenure of office.

6. - (1) Subject to the provisions of this Schedule, the appointment of every appointed member of the Board shall be evidenced by an instrument in writing.

(2) The instrument shall specify the period of office of the member, which shall not exceed three years.

(3) Every appointed member of the Board shall be eligible for

re-appointment so, however, that no member being permitted to serve longer than two consecutive terms.

Resignation.

7. - (1) The chairman may, at any time, resign his office by instrument in writing addressed to the Minister.

(2) The resignation shall take effect as from the date of receipt by the Minister of the instrument.

(3) An appointed member other than the chairman may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the chairman.

(4) From the date of the receipt by the Minister of such instrument, the member shall cease to be a member of the Board.

Revocation of appointment.

8. The Minister may revoke the appointment of any member if the member –

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) becomes bankrupt or compounds with, or suspends payment to, his creditors;
- (c) is convicted and sentenced to a term of imprisonment or to death;
- (d) becomes disqualified for appointment by virtue of paragraph 2;
- (e) fails to carry out any of the functions conferred or imposed on him under this Act; or
- (f) fails to attend six consecutive meetings of the Board or any of its committees without excuse or reasonable explanation.

Publication of membership.

9. The names of members of the Board, as first constituted, and every change in the membership thereof shall be published in the *Gazette*.

Procedure and meetings.

10. - (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The chairman may, at any time, call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any two members of the Board.

(3) The chairman or, in the case of his absence or inability to act, the deputy chairman or person elected in accordance with paragraph 4(3), as the case may be, shall preside at meetings of the Board.

(4) Subject to subparagraph (5), each member present at a meeting of the Board has one vote on any question arising for decision, so, however, that (in addition to an original vote) the chairman, deputy chairman or other member presiding at a meeting shall have an original and a casting vote in any case in which the voting is equal.

(5) Save and except for the chief executive officer of the Jamaica Tertiary Education Commission and the head of the department responsible for school services in the Ministry responsible for education the *ex officio* members of the Board shall not have a vote.

(6) The quorum for meetings of the Board shall be seven members.

(7) A proposed resolution of the Board becomes a valid decision of the Board despite the fact that it is not voted on at a meeting of the Board if -

- (a) notice of the proposed resolution is given to all members of the Board in accordance with procedures determined by the Board; and
- (b) a majority of the members express concurrence with the proposed resolution by letter, facsimile transmission, e-mail or other written communication setting out the terms of the resolution.

(8) The Board shall keep accurate minutes of each meeting of the Board and the minutes shall be confirmed by the chairman and at least one other member as soon as practicable at a subsequent meeting of the Board.

(9) Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

(10) An act or proceeding of the Board or a committee of the Board shall not be invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Remuneration.

11. There shall be paid from the funds of the Council to the chairman, deputy chairman and other members of the Board such remuneration (whether by way of honorarium, salaries or fees) and such allowances, as the Minister may determine.

Disclosure of interest.

12. - (1) A member who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter which falls to be considered by the Board, shall disclose or cause to be disclosed the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the meeting and the member shall not –

- (a) in the case of a contract, take part in any deliberation or decision of the Board with respect to the contract; and
- (b) in the case of any other matter, take part in any deliberation or decision of the Board with respect to the matter if the Board decides that the interest in question might affect

prejudicially the member's consideration of the matter, and shall further excuse themselves from the meeting while the matter is under discussion.

(2) A notice given by a member at a meeting of the Board to the effect that he is a member of a specific company, firm or other body and is to be regarded as interested in any contract which is made after the date of the notice with the company, firm or body shall, for the purposes of sub-paragraph (1), be a sufficient disclosure of his interest in relation to any contract so made.

(3) A member need not attend in person a meeting of the Board in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to ensure that the disclosure is made by notice which is taken into consideration and read at such a meeting.

Service of documents.

13. Any summons, notice or other document required or authorized to be served upon the Board under the provisions of this or any other enactment may, unless there is express provision to the contrary, be served by delivering same to the chairman or secretary, or by sending it by registered post addressed to the secretary at the principal office of the Council.

Appointment of committees.

14. – (1) The Board may, with the approval of the Minister, appoint committees for special purposes connected with the functions of the Board and which, in the opinion of the Board, would be better regulated and managed by means of committees.

(2) The Board shall, with the approval of the Minister, appoint the following standing committees and specify terms of reference and membership –

- (a) the audit committee pursuant to the *Public Bodies Management and Accountability Act*;
- (b) the Appointments Committee which shall be responsible for the recommendation of principal and other education professional and the appointments and assessment of teacher qualifications;
- (c) the Technical Committee which shall be responsible for the standards and all other matters of a similar professional nature concerning teachers; and
- (d) the Professional Practice and Conduct Committee which shall be responsible for disciplinary matters relating to teachers.

(2) The number of members of a committee appointed under subparagraph (1), the terms of appointment of such members, the quorum of the committee and the areas within which the committees are to exercise authority shall be determined by the Board.

(3) A committee appointed pursuant to this paragraph may include persons who are not members of the Board but shall include at least two of the members of the Board.

(4) Paragraph 10(8) shall apply *mutatis mutandis* to a member of a committee who is not a member of the Board as it applies to a member of the Board.

(5) Except for the professional practise and conduct committee and hearing panels, committees of the Board shall make recommendations to the full Board for its ratification and decision.

Office of chairman or member not a public office.

15. The office of chairman, deputy chairman or, member of the Board or any of its committees shall not be a public office for the purpose of Part V of the Constitution of Jamaica.

THIRD SCHEDULE

(Section 104)

The Teacher Appeal Tribunal

Constitution of the Tribunal.

1. The Teacher Appeal Tribunal shall consist of three members, that is to say –

- (a) a chairman, who shall be a retired teacher of at least twenty years of service to the teaching profession;
- (b) an attorney-at-law of at least ten years experience as an attorney-at-law; and
- (c) a representative of professional teachers associations recognized by the Minister and nominated by the associations in a manner approved by the Minister who shall be a registered teacher of at least ten years of service to the teaching profession.

Appointment and tenure of office of Members.

2. The chairman and other members of the Tribunal shall be appointed by the Minister and shall hold office for such period, not exceeding two years, as the Minister shall determine and shall be eligible for reappointment.

Disqualification for appointment.

3. – (1) No person shall be qualified for appointment as a member of the Tribunal who -

- (a) is a member of the Senate or the House of Representatives;
- (b) has been convicted of an offence involving fraud, dishonesty or moral turpitude; or
- (c) is an undischarged bankrupt.

(2) For the purposes of this paragraph, a person shall be regarded as being associated with a body or other person if the person is –

- (a) connected to the body or other person in the capacity of a director, officer, employee, auditor of the body or other

person; or

- (b) an immediate relative of the director, officer, employee or auditor.

(3) In this paragraph “immediate relative” means any of the following –

- (a) husband or wife;
 (b) son or daughter;
 (c) father;
 (d) mother;
 (e) brother or sister.

Revocation of appointment.

4. The Minister may, at any time revoke the appointment of the chairman or any other member of the Tribunal.

Temporary appointments.

5. - (1) In the case of the absence or inability to act of the chairman of the Tribunal, the Minister may appoint any person to act temporarily as chairman.

(2) In the case of the absence or inability to act of any member of the Tribunal other than the chairman, the Minister may appoint any person to act temporarily in the place of such member.

Resignation.

6. - (1) Any member of the Tribunal, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Tribunal.

(2) The chairman of the Tribunal may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

Filling of vacancies.

7. If any vacancy occurs in the membership of the Tribunal such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

Publication of membership.

8. The names of members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Remuneration of members.

9. There shall be paid to the chairman and other members of the Tribunal such remuneration whether by way of honorarium, salary or fees and such allowance as the Minister may determine.

Voting.

10. The decision of the Tribunal shall be by a majority of votes of the members present and voting, and in addition to an original vote, the chairman shall have a casting vote in any case in which

- the voting is equal.
- Power to regulate own proceedings. Office of chairman or member of Tribunal not public office.**
11. Subject to the provisions of the Act, the Tribunal shall regulate its own proceedings.
12. The office of chairman or member of the Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

MEMORANDUM OF OBJECTS AND REASONS

Pursuant to section 32 of the Education Act, the Teachers Services Commission (TSC) is charged with responsibility to deal, generally, with the registration, discipline and assessment of the qualifications of teaching personnel. In addition the TSC provides advice to the Minister on matters relating to the appointment of principals, vice-principals and teachers with special responsibilities.

In response to the recommendations contained in the report of the Task Force on Educational Reform (2004) there is need for the establishment of the Jamaica Teaching Council (JTC). The JTC will be a statutory body charged with responsibility to regulate the teaching profession to and contribute to the overall improvement of the performance standards of teaching personnel and improve the quality of education provided to students. The TSC will cease to exist and the JTC will absorb all its functions.

The Education Act and Education Regulations, 1980, do not sufficiently address the needs of the current education environment. A decision has been taken to enact legislation to provide for greater accountability within the teaching profession and for a framework that facilitates increased productivity within the profession while, at the same time improving the status of teaching personnel.

A decision has therefore been taken *inter alia* to -

- (a) repeal certain sections of the Education Act;
- (b) repeal certain provisions of the Education Regulations, 1980;
- (c) establish the Jamaica Teaching Council;
- (d) provide for a licensing regime for the teaching profession.

This Bill seeks to give effect to that decision.

Ronald Thwaites, M. P.
Minister of Education