



STATUTORY INSTRUMENTS.

S.I. No. 410 of 2016

TEACHING COUNCIL (EVIDENCE, REPRESENTATIONS AND
EXAMINATION IN CASE OF ALLEGED MEDICAL UNFITNESS)
REGULATIONS 2016

TEACHING COUNCIL (EVIDENCE, REPRESENTATIONS AND
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The Teaching Council, in exercise of the powers conferred on it by sections 4 and 42(8)(b) of the Teaching Council Act 2001 (No. 8 of 2001) (as adapted by the Education and Science (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 184 of 2010)), with the consent of the Minister for Education and Skills, hereby makes the following regulations:

Citation

1. These Regulations may be cited as the Teaching Council (Evidence, Representations and Examination in Case of Alleged Medical Unfitness) Regulations 2016.

Definitions

2. In these Regulations “Act” means the Teaching Council Act 2001 (No. 8 of 2001).

Scope

3. These Regulations apply where, in an inquiry by the Investigating Committee under section 42 of the Act, it is alleged that the registered teacher the subject of the inquiry is medically unfit to teach.

Submission of medical evidence

4. (1) Medical evidence in relation to the registered teacher may be submitted to the Investigating Committee by—

- (a) the Council or other complainant,
- (b) the registered teacher,
- (c) a school or person required to provide information or documents pursuant to section 42(8)(ad)(i) of the Act, and
- (d) a person providing expert advice or assistance pursuant to section 42(8)(ad)(ii) of the Act.

(2) The Investigating Committee may instruct an appropriately qualified registered medical practitioner to provide expert advice to the Investigating Committee in respect of any medical evidence submitted in accordance with paragraph (1).

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 29th July, 2016.*

Attendance for medical examination

5. (1) The Investigating Committee may request the registered teacher to attend for medical examination by an appropriately qualified registered medical practitioner selected by the Investigating Committee.

(2) Costs, fees and other expenses (including travelling expenses) incurred by the registered teacher in attending for a medical examination at the request of the Investigating Committee in accordance with paragraph (1) shall be borne by the Council.

Making of representations

6. (1) The Investigating Committee may require the registered teacher, by notice in writing, to make representations to the Investigating Committee with regard to the alleged medical unfitness.

(2) The Investigating Committee may, at its discretion, select an appropriately qualified registered medical practitioner to provide expert advice to the Investigating Committee in respect of any representations made in accordance with paragraph (1).

Medical records, reports and documentation

7. (1) The Investigating Committee may request the registered teacher to consent to the release of medical records, medical report or other relevant documentation from his or her medical practitioner.

(2) The Investigating Committee shall, as appropriate, ensure that relevant records, reports or other relevant documentation received are provided to the registered teacher and that he or she is afforded an opportunity to make written representations to the Investigating Committee in advance of any decision being made pursuant to section 42(9) (as inserted by section 20(m) of the Teaching Council (Amendment) Act 2015 (No. 31 of 2015)) of the Act.

The Minister for Education and Skills consents to the making of the foregoing regulations.



GIVEN under the Official Seal of the Minister for Education and Skills,
25 July 2016.

RICHARD BRUTON,
Minister for Education and Skills.



GIVEN under the seal of the Teaching Council,
25 July 2016.

SEAN MCMAHON,
Deputy Chairperson.

TOMÁS Ó RUAIRC,
Director.

Dated 25 July 2016.

EXPLANATORY NOTE

(This note is not part of the Statutory Instrument and does not purport to be a legal interpretation.)

These Regulations are made under sections 4 and 42(8)(b) of the Teaching Council Act 2001. They provide for the submission of medical evidence, the making of representations and the attendance for medical examination, in inquiries by the Investigating Committee of the Teaching Council into the alleged medical unfitness of a registered teacher to teach.

These Regulations may be cited as the Teaching Council (Evidence, Representations and Examination in Case of Alleged Medical Unfitness) Regulations 2016.

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