

**2009 No. 1353 (W. 129)**

**EDUCATION, WALES**

**The General Teaching Council for  
Wales (Functions) (Amendment)  
Regulations 2009**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the General Teaching Council for Wales (Functions) Regulations 2000 (“the 2000 Regulations”) as follows.

Regulation 4A of the 2000 Regulations is omitted. That provided for decisions of the General Teaching Council for England as to a teacher’s suitability to be binding on the General Teaching Council for Wales (“the Council”). Each General Teaching Council will now have to determine the question of suitability afresh.

A new regulation 18A is inserted which requires the Council to supply information set out in Schedule 2 to the 2000 Regulations to An Chomhairle Mhúinteoireachta or the Teaching Council for the Republic of Ireland. A consequential amendment is made to paragraph 11A of Schedule 2 to the 2000 Regulations, so that when the Council decide a person is not suitable to be a teacher they must, if requested, provide particulars of the grounds on which the decision was based to An Chomhairle Mhúinteoireachta or the Teaching Council for the Republic of Ireland.

These Regulations add the following to the matters (set out in Schedule 1 to the 2000 Regulations) to be recorded in the register of qualified teachers maintained by the Council,—

- whether the person is subject to monitoring under the Safeguarding Vulnerable Groups Act 2006 or, if not, whether the Secretary of State has ceased monitoring;

- details of any restrictions imposed by the General Teaching Council for Northern Ireland;
- details of any restriction imposed by An Chomhairle Mhúinteoireachta or the Teaching Council for the Republic of Ireland.

The Regulations also add the following to the information set out in Schedule 2 to the 2000 Regulations (which must be provided by the Council to employers and others)—

- whether a person has been barred from regulated activity relating to children under the Safeguarding Vulnerable Groups Act 2006;
- whether a person is subject to monitoring under the Safeguarding Vulnerable Groups Act 2006, or if not, whether the Secretary of State has ceased monitoring;
- details of any restriction or prohibition imposed by the General Teaching Council for Northern Ireland;
- details of any restriction or prohibition imposed by An Chomhairle Mhúinteoireachta or the Teaching Council for the Republic of Ireland.

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*Made* *2 June 2009*

*Laid before the National Assembly for Wales*

*4 June 2009*

*Coming into force* *in accordance with  
regulation 1(2)*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 3(3D), 4(2), 14(3) and 42(6) and (7) of the Teaching and Higher Education Act 1998<sup>(1)</sup> and now vested in them<sup>(2)</sup>, and having consulted the General Teaching Council for Wales in accordance with section 42(9) of the Teaching and Higher Education Act 1998, make the following Regulations:

**Title and commencement**

**1.**—(1) The title of these Regulations is the General Teaching Council for Wales (Functions) (Amendment) Regulations 2009.

(2) These Regulations come into force on 1 July 2009 save for regulation 2(6)(b) which comes into

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<sup>(1)</sup> 1998 c.30. Sections 2 to 7 apply in relation to the General Teaching Council for Wales by virtue of section 9. Section 3(3D) was inserted by paragraph 3(5) of Schedule 12 to the Education Act 2002 (c.32). For the meaning of “prescribed” and “regulations” see section 43(1).

<sup>(2)</sup> The Secretary of State’s functions were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 211 of the Education Act 2002 (c.32) and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

force on 12 October 2009 and regulation 2(5)(b) and (6)(d) which comes into force on 26 July 2010.

**Amendment of the General Teaching Council for Wales (Functions) Regulations 2000**

2.—(1) The General Teaching Council for Wales (Functions) Regulations 2000(1) are amended as follows.

(2) In regulation 2 insert in the appropriate place the following definition –

“ “An Chomhairle Mhúinteoireachta or the Teaching Council” means the Teaching Council established under section 5 of the Teaching Council Act, 2001(2) (which body has functions corresponding to those of the Council in relation to the Republic of Ireland);”.

(3) Omit regulation 4A.

(4) After regulation 18, insert the following regulation —

**“Supply of Information to An Chomhairle Mhúinteoireachta or the Teaching Council**

**18A.**—(1) The Council must on request supply the information set out in Schedule 2 in relation to —

- (a) a registered teacher; or
- (b) an unregistered person about whom they maintain records in accordance with an order under section 7(1) and (4) of the 1998 Act,

to An Chomhairle Mhúinteoireachta or the Teaching Council(3).

(2) where information is supplied under paragraph (1), a condition must be imposed requiring An Chomhairle Mhúinteoireachta or the Teaching Council not to disclose that information to any person other than the teacher or other person to whom the information relates ”.

(5) In Schedule 1 —

- (a) after paragraph 22B insert the following —

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(1) S.I. 2000/1979 (W.140) as amended by S.I. 2001/2496 (W.200), S.I. 2004/1741 (W.180), S.I. 2005/69 (W.7) and S.I. 2006/1343 (W.133).

(2) Number 8 of 2001.

(3) An Chomhairle Mhúinteoireachta or the Teaching Council, is established under section 5 of the Teaching Council Act, 2001, and has functions corresponding to those of the Council in relation to the Republic of Ireland.

**“22C.** The terms of any restriction for the time being in force in relation to the teacher as a result of any disciplinary action taken by the General Teaching Council for Northern Ireland.

**22D.** The terms of any restriction for the time being in force in relation to the teacher as a result of any disciplinary action taken by An Chomhairle Mhúinteoireachta or the Teaching Council.”;

(b) after paragraph 24 add the following —

**“25.** Whether the teacher is subject to monitoring in accordance with section 24 of the Safeguarding Vulnerable Groups Act 2006(1), and if not, whether the Secretary of State has ceased monitoring in accordance with section 26 of that Act.”.

(6) In Schedule 2 —

(a) in paragraph 11A after “Scotland” insert “, An Chomhairle Mhúinteoireachta or the Teaching Council,”;

(b) after paragraph 12 insert the following —

**“12A.** If the person has been barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006), a statement of that fact.”;

(c) after paragraph 13B insert the following —

**“13C.** The terms of any restriction or particulars of any prohibition for the time being in force in relation to the teacher as a result of any disciplinary action taken by the General Teaching Council for Northern Ireland.

**13D.** The terms of any restriction or particulars of any prohibition for the time being in force in relation to the teacher as a result of any disciplinary action taken by An Chomhairle Mhúinteoireachta or the Teaching Council.”;

(d) after paragraph 14 add the following –

**“15.** Whether the person is subject to monitoring in accordance with section 24 of the Safeguarding Vulnerable Groups Act 2006, and if not, whether the Secretary of State has ceased monitoring in accordance with section 26 of that Act.”.

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(1) 2006 c.47.

*Jane Hutt*

Minister for Children, Education, Lifelong  
Learning and Skills, one of the Welsh Ministers

2 June 2009