

2009 No. 1354 (W. 130)

EDUCATION, WALES

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001 (“the 2001 Regulations”) as a consequence of the coming into force of provisions of the Safeguarding Vulnerable Groups Act 2006.

The 2001 Regulations make provision about the disciplinary functions of the General Teaching Council for Wales.

Regulation 9 of the 2001 Regulations is amended so that the functions of an Investigating Committee of the General Teaching Council for Wales are excluded if the Independent Barring Board have included or want to consider including the teacher in the barred lists maintained under the Safeguarding Vulnerable Groups Act 2006.

A new regulation 18A is inserted requiring the Council, if requested, to inform the Secretary of State when they make a prohibition order against a teacher on the grounds of unacceptable professional conduct or conviction for a relevant offence. This information may be required in connection with the Secretary of State’s functions in relation to teachers’ pensions.

2009 No. 1354 (W.130)

EDUCATION, WALES

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

Made 2 June 2009

Laid before the National Assembly for Wales

4 June 2009

Coming into force 12 October 2009

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 6, 14 (3) and 42(6) of, and paragraph 1(1) and (4) of Schedule 2 to, the Teaching and Higher Education Act 1998(1) and now vested in them(2), and after consulting the General Teaching Council for Wales in accordance with section 42(9) of that Act, make the following Regulations:

Title and commencement

1. The title of these Regulations is the General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2009 and they come into force on 12 October 2009.

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- (1) 1998 c.30. Section 6 and Schedules 1 and 2 apply in relation to the General Teaching Council for Wales by virtue of sections 8 and 9 of the Teaching and Higher Education Act 1998 and the General Teaching Council for Wales Order 1998 (S.I. 1998/2911). Paragraph 1(4) of Schedule 2 was amended by paragraph 86(2) of Schedule 21 to the Education Act 2002 (c.32) and further amended by paragraphs 2 and 7 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c.47). For the meaning of “prescribed” and “regulations” see section 43(1).
- (2) The functions of the Secretary of State 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, and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Amendment of the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001

2. The General Teaching Council for Wales (Disciplinary Functions) Regulations 2001⁽¹⁾ are amended as follows –

(a) for regulation 9(1)(b) substitute the following

—
“(b) the Independent Barring Board, established under section 1 of the Safeguarding Vulnerable Groups Act 2006⁽²⁾, has included, or is considering whether to include, a registered teacher in either of the barred lists maintained under section 2 of that Act”;

(b) insert after regulation 18 –

“**18A.** The Council must, upon request, inform the Secretary of State whether they have made a prohibition order in relation to a particular person on the grounds of unacceptable professional conduct, or that the person has been convicted (at any time) of a relevant offence.”.

Jane Hutt

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

2 June 2009

⁽¹⁾ S.I. 2001/1424 (W.99) as amended by S.I. 2003/503 (W.71).
⁽²⁾ 2006 c. 47.