

2009 No. 2161 (W.184)

EDUCATION, WALES

**The General Teaching Council for
Wales (Disciplinary Functions)
(Amendment No 2) 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”) and revoke an amendment made to the 2001 Regulations by the General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2009.

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

The effect of the amendment and revocation is that the functions of an Investigating Committee of the General Teaching Council for Wales are excluded if the Welsh Ministers or the Secretary of State wish to consider a case with a view to exercising powers under section 142 of the Education Act 2002, or 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.

Although the barring scheme under the Safeguarding Vulnerable Groups Act 2006 replaces the system of giving directions under section 142 of the Education Act 2002, the reference to that system is retained as it is necessary to exclude an Investigating Committee’s functions in relation to cases that are being considered under section 142 of the Education Act 2002 but have not been concluded on 12 October 2009.

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2009**

Made 3 August 2009
Laid before the National Assembly for Wales
6 August 2009

*Coming into force in accordance with
regulation 1(2) and (3)*

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.—(1) The title of these Regulations is the General Teaching Council for Wales (Disciplinary Functions) (Amendment No 2) Regulations 2009.

(2) This regulation and regulation 2 come into force on 7 September 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).

(3) Regulation 3 comes into force on 12 October 2009.

Revocation

2. Regulation 2 of the General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2009(1) is revoked.

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

3. The General Teaching Council for Wales (Disciplinary Functions) Regulations 2001(2) are amended by adding after regulation 9(1)(b) the following —

“; or

- (c) the Independent Barring Board, established under section 1 of the Safeguarding Vulnerable Groups Act 2006(3), has included, or is considering whether to include, a registered teacher in either of the barred lists maintained under section 2 of that Act.”.

Jane Hutt

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

3 August 2009

(1) S.I. 2009/1354 (W.130).
(2) S.I. 2001/1424 (W.99) as amended by S.I. 2003/503 (W.71), 2009/1354 (W.130).
(3) 2006 c.47.