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WELSH STATUTORY INSTRUMENTS

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**2002 No. 326 (W.39)**

**EDUCATION, WALES**

**The General Teaching Council for  
Wales (Fees) Regulations 2002**

*Made* - - - - - *13th February 2002*

*Coming into force* - - - - - *1st March 2002*

In exercise of the powers conferred on the Secretary of State by sections 12 and 42(6) and (7) of the Teaching and Higher Education Act 1998<sup>(1)</sup> and now vested in the National Assembly for Wales<sup>(2)</sup>, and having consulted the General Teaching Council for Wales in accordance with section 42(9) of that Act, the National Assembly for Wales makes the following Regulations:

**1.**—(1) These Regulations are called the General Teaching Council for Wales (Fees) Regulations 2002 and shall come into force on 1st March 2002.

(2) These Regulations apply only in relation to Wales.

**2.** In these Regulations—

“the Act” (“*y Ddeddf*”) means the Teaching and Higher Education Act 1998;

“the Council” (“*y Cyngor*”) means the General Teaching Council for Wales;

“employer” (“*cyflogydd*”) in relation to a teacher includes a person who engages or makes arrangements for the engagement of that teacher to provide services as a teacher otherwise than under a contract of employment, and “employed” and “employment” shall be construed accordingly;

“fee” (“*ffi*”) means any fee payable by virtue of section 4(4) of the Act;

“notification date” (“*dyddiad hysbysu*”) means the date notified to an employer by the Council as being the date upon which the fee becomes payable;

“Register” (“*Cofrestr*”) means the register of teachers which the Council are required to establish and maintain in accordance with section 3 of the Act and the General Teaching Council for Wales (Functions) Regulations 2000<sup>(3)</sup>.

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(1) 1998 c. 30. The relevant provisions apply in relation to the General Teaching Council for Wales by virtue of sections 8 and 9 and the General Teaching Council for Wales Order 1998 (S.I.1998/2911). For the meaning of “prescribed” and “regulations” see section 43(1).

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) S.I. 2000/1941 (W. 139).

3. An employer shall notify the Council upon request of the details specified in the Schedule of any teacher who is employed by that employer on a date specified by the Council and who is required as a consequence of his or her employment to be registered in the Register by virtue of regulations made under section 218(1)(aa) of the Education Reform Act 1988<sup>(4)</sup>.

4.—(1) The employer of a teacher to whom this regulation applies must secure that the fee is deducted from the payment of salary made to the teacher immediately following the notification date.

(2) This regulation applies to a teacher in respect of whom the employer has received notice (“a payment notice”) from the Council that they are required to secure that the fee is deducted from the teacher’s salary.

(3) A payment notice shall specify the amount to be deducted.

(4) A payment notice may be issued to an employer only if the Council is satisfied that on the notification date the teacher in respect of whom the notice is issued is—

(a) registered on the Register, or

(b) required to be so registered by virtue of regulations made under section 218(1)(aa) of the Education Reform Act 1988,—

and has not already paid the fee in respect of the period to which the fee referred to in paragraph (1) applies.

5. The employer shall within 14 days of the fee being deducted in accordance with regulation 4 remit such fee to the Council.

6. When remitting the fee the employer shall notify the Council of the details specified in the Schedule of the teacher in relation to whom the fee is remitted.

7. Failure by any person to discharge any duty within a time limit specified in these Regulations does not relieve that person of that duty.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(5)</sup>

13th February 2002

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

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(4) 1988 c. 40. Section 218(1)(aa) was inserted by section 11 of the Teaching and Higher Education Act 1998. The regulations in force at the time of making these regulations were the Teachers (Compulsory Registration) (Wales) Regulations 2000, S.I. 2000/3122 (W. 200).

(5) 1998 c. 38.

## SCHEDULE

Regulations 3 and 6

### INFORMATION TO BE SUPPLIED TO THE COUNCIL

1. The name of the teacher.
  2. The official registration number, if any, assigned to the teacher.
  3. The name of the school at which the teacher is employed
  4. The teacher's national insurance number.
  5. The teacher's home address or other contact address.
  6. The teacher's date of birth.
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### EXPLANATORY NOTE

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

The General Teaching Council for Wales (Functions) Regulations 2000, made under section 4(4) of the Teaching and Higher Education Act 1998, enable the General Teaching Council for Wales to charge a fee for the registration and retention of entries on the Register of teachers which they have established under that Act.

These Regulations require an employer who has been notified by the Council to deduct any such fee from a teacher's salary and remit it to the Council within 14 days, together with details identifying the teacher.