CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2002 Rhif 326 (Cy.39)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Ffioedd) 2002

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000, a wnaed o dan adran 4(4) o Ddeddf Addysgu ac Addysg Uwch 1998, yn galluogi Cyngor Addysgu Cyffredinol Cymru i godi ffi am gofrestru a chadw cofnodion athrawon ac athrawesau ar y Gofrestr y maent wedi'i sefydlu o dan y Ddeddf honno.

Mae'r Rheoliadau hyn yn ei gwneud yn ofynnol i gyflogydd sydd wedi'i hysbysu gan y Cyngor ddidynnu unrhyw ffi o'r fath o gyflog yr athro neu'r athrawes a'i hanfon i'r Cyngor o fewn 14 diwrnod, ynghyd â manylion ar gyfer adnabod yr athro neu'r athrawes.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2002 No. 326 (W.39)

EDUCATION, WALES

The General Teaching Council for Wales (Fees) Regulations 2002

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.

OFFERYNNAU STATUDOL

2002 Rhif 326 (Cy.39)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Ffioedd) 2002

Wedi'u gwneud	*13 Chwefror 2002*
Yn dod i rym	*1 Mawrth 2002*

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 12 a 42(6) a (7) o Ddeddf Addysgu ac Addysg Uwch 1998(**a**) ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(**b**), ac ar ôl ymgynghori â Chyngor Addysgu Cyffredinol Cymru yn unol ag adran 42(9) o'r Ddeddf honno, mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol:

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Ffioedd) 2002 a deuant i rym ar 1 Mawrth 2002.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â Chymru yn unig.

2. Yn y Rheoliadau hyn -

ystyr "Cofrestr" ("*Register*") yw'r gofrestr o athrawon ac athrawesau y mae'n ofynnol i'r Cyngor ei sefydlu a'i chadw yn unol ag adran 3 o'r Ddeddf a Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000 (**c**);

mae "cyflogydd" ("*employer*") mewn perthynas ag athro neu athrawes yn cynnwys person sy'n cymryd yr athro neu'r athrawes ymlaen neu sy'n gwneud trefniadau iddynt gael eu cymryd ymlaen i ddarparu gwasanaethau fel athro neu athrawes heblaw o dan gontract cyflogaeth, a dehonglir "cyflogi" a "cyflogaeth" yn unol â hynny;

ystyr "y Cyngor" ("*the Council*") yw Cyngor Addysgu Cyffredinol Cymru;

(a) 1998 p.30. Mae'r darpariaethau perthnasol yn gymwys i Gyngor Addysgu Cyffredinol Cymru yn rhinwedd adrannau 8 a 9 a Gorchymyn Cyngor Addysgu Cyffredinol Cymru 1998 (O.S. 1999/2911). I gael ystyr "prescribed" a "regulations" *gweler* adran 43(1).

(b) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) O.S. 2000/1941 (Cy. 139).

STATUTORY INSTRUMENTS

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(**a**) and now vested in the National Assembly for Wales(**b**), 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

(a) 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).

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

ystyr "dyddiad hysbysu" ("*notification date*") yw'r dyddiad sy'n cael ei hysbysu i gyflogydd gan y Cyngor fel y dyddiad y daw'r ffi'n daladwy;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Addysgu ac Addysg Uwch 1998;

ystyr "ffi" ("*fee*") yw unrhyw ffi sy'n daladwy yn rhinwedd adran 4(4) o'r Ddeddf.

3. Os gwenir cais am hynny, raid i gyflogydd hysbysu'r Cyngor ynglyn â'r manylion a bennir yn yr Atodlen am unrhyw athro neu athrawes a gyflogir gan y cyflogydd hwnnw ar ddyddiad a bennir gan y Cyngor ac y mae'n ofynnol, yn sgil eu cyflogaeth, iddynt gael eu cofrestru yn y Gofrestr yn rhinwedd rheoliadau a wnaed o dan adran 218(1)(aa) o Ddeddf Diwygio Addysg 1988(**a**).

4.-(1) Rhaid i gyflogydd athro neu athrawes y mae'r rheoliad hwn yn gymwys iddynt sicrhau bod y ffi yn cael ei didynnu o'r taliad cyflog a wneir i'r athro neu'r athrawes yn union ar ôl y dyddiad hysbysu.

(2) Mae'r rheoliad hwn yn gymwys i athro neu athrawes y mae'r cyflogydd wedi cael hysbysiad ("hysbysiad talu") mewn perthynas â hwy oddi wrth y Cyngor ei bod yn ofynnol iddynt sicrhau bod y ffi'n cael ei didynnu o gyflog yr athro neu'r athrawes.

(3) Mae'n rhaid i hysbysiad talu nodi'r swm sydd i'w ddidynnu.

(4) Dim ond os yw'r Cyngor wedi'i fodloni bod yr athro neu'r athrawes y mae'r hysbysiad yn cael ei roi mewn perthynas â hwy ar y dyddiad hysbysu -

(a) wedi'u cofrestru ar y Gofrestr, neu

(b) ei bod yn ofynnol iddynt fod wedi'u cofrestru felly yn rhinwedd rheoliadau a wnaed o dan adran 218(1)(aa) o Ddeddf Diwygio Addysg 1988,

a'u bod heb dalu'r ffi eisoes mewn perthynas â'r cyfnod y mae'r ffi y cyfeirir ati ym mharagraff (1) yn gymwys iddo y gellir rhoi hysbysiad talu i gyflogydd.

5. O fewn 14 diwrnod ar ôl i'r ffi gael ei didynnu yn unol â rheoliad 4, rhaid i'r cyflogydd anfon y ffi honno i'r Cyngor.

6. Wrth anfon y ffi rhaid i'r cyflogydd hysbysu'r Cyngor ynglyn â'r manylion a bennir yn yr Atodlen am yr athro neu'r athrawes yr anfonir y ffi mewn perthynas â hwy.

(a) 1988 p.40. Mewnosodwyd adran 218(1)(aa) gan adran 11 o Ddeddf Addysgu ac Addysg Uwch 1998. Rheoliadau Athrawon (Cofrestru Gorfodol) (Cymru) 2000, O.S. 2000/3122 (Cy. 200) oedd y rheoliadau a oedd mewn grym adeg gwneud y rheoliadau hyn.

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(**a**).

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(**b**).

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.

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

(b) 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).

7. Nid yw methiant gan unrhyw berson i gyflawni unrhyw ddyletswydd o fewn terfyn amser sydd wedi'i bennu yn y Rheoliadau hyn yn rhyddhau'r person hwnnw o'r ddyletswydd honno.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**)

13 Chwefror 2002

Dirprwy Lywydd y Cynulliad Cenedlaethol

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(**a**)

13th February 2002

John Marek

The Deputy Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

ATODLEN Rheoliadau 3 a 6

YR WYBODAETH SYDD I'W RHOI I'R CYNGOR

1. Enw'r athro neu'r athrawes.
2. Y rhif cofrestru swyddogol a roddwyd i'r athro neu'r athrawes, os oes un.
3. Enw'r ysgol y cyflogir yr athro neu'r athrawes ynddi.
4. Rhif yswiriant gwladol yr athro neu'r athrawes.
5. Cyfeiriad cartref neu gyfeiriad cyswllt arall yr athro neu'r athrawes.
6. Dyddiad geni'r athro neu'r athrawes.

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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