

**CYNULLIAD CENEDLAETHOL CYMRU****NATIONAL ASSEMBLY FOR WALES****OFFERYNNAU STATUDOL****STATUTORY INSTRUMENTS****2005 Rhif 36 (Cy.3)****2005 No. 36 (W.3)****ADDYSG, CYMRU****EDUCATION, WALES**

**Gorchymyn Cyngor Addysgu
Cyffredinol Cymru
(Swyddogaethau Ychwanegol)
2005**

**The General Teaching Council for
Wales (Additional
Functions) Order
2005**

NODYN ESBONIADOL**EXPLANATORY NOTE**

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn rhoi swyddogaethau ychwanegol i Gyngor Addysgu Cyffredinol Cymru. Ymhlith swyddogaethau'r Cyngor y mae sefydlu a chynnal cofrestr athrawon, cyhoeddi Cod Ymarfer, gosod safonau ymddygiad ac arferion proffesiynol a ddisgwylir gan athrawon cofrestredig, arfer pwerau disgyblu mewn perthynas ag athrawon cofrestredig a phobl sy'n gwneud cais am gael eu cofrestru a rhoi cyngor am faterion addysgu i Gynulliad Cenedlaethol Cymru.

This Order confers additional functions on the General Teaching Council for Wales. The Council's functions include establishing and maintaining a register of teachers, issuing a Code of Practice laying down the standards of professional conduct and practice expected of registered teachers, exercising disciplinary powers in relation to registered teachers and persons applying for registration and giving advice about teaching issues to the National Assembly for Wales.

Mae'r Cyngor wedi'i bennu'n awdurdod dynodedig at ddibenion Rheoliadau'r Cymunedau Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) (Y System Gyffredinol Gyntaf) 2005 a wnaed o dan Ddeddf y Cymunedau Ewropeaidd 1972. Mae'r Rheoliadau hynny yn rhoi effaith i Gyfarwyddeb 89/48/EEC ar system gyffredinol ar gyfer cydnabod diplomâu addysg uwch a ddyfernir ar ôl cwblhau addysg a hyfforddiant proffesiynol sy'n para am dair blynedd o leiaf. Mae'r Gorchymyn hwn yn rhoi swyddogaeth gweithredu fel awdurdod dynodedig i'r Cyngor. Ac yntau'n awdurdod dynodedig, mae'r Cyngor i ymdrin â cheisiadau oddi wrth bobl sydd wedi cymhwyso mewn gwladwriaeth berthnasol (aelod-wladwriaethau'r Gymuned Ewropeaidd, Gwlad yr Iâ, Norwy, Liechtenstein a'r Swistir) am gael cydnabod eu cymwysterau proffesiynol.

The Council is specified as a designated authority in the European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005, which are made under the European Communities Act 1972. Those Regulations give effect to Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration. This Order confers on the Council the function of acting as a designated authority. As a designated authority the Council is to deal with applications from persons who qualified in a relevant state (member states of the European Community, Iceland, Norway, Liechtenstein and Switzerland) for recognition of their professional qualifications

Hefyd, rhoddir swyddogaeth ychwanegol i'r Cyngor, sef rhoi gwybodaeth a chynghor i'r cyhoedd am ofynion cydnabod yng Nghymru gymwysterau addysgu a gafwyd mewn gwladwriaeth berthnasol.

The Council is also given the additional function of providing information and advice to the public about the requirements for recognition in Wales of teaching qualifications obtained in a relevant state.

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*Wedi'i wneud**11 Ionawr 2005**Made**11 January 2005**Yn dod i rym**9 Chwefror 2005**Coming into force**9 February 2005*

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 7(1) a (3) a 42(6) a (7) o Ddeddf Addysgu ac Addysg Uwch 1998(1) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(2), mae Cynulliad Cenedlaethol Cymru, ac yntau o'r farn y caiff Cyngor Addysgu Cyffredinol Cymru, ar y cyd â'i holl swyddogaethau eraill, gyflawni'n briodol swyddogaethau ychwanegol a roddir drwy hyn, ac yntau wedi ymgynghori fel yr ymddengys ei bod yn briodol iddo ei wneud yn unol ag adran 7(2) o Ddeddf Addysgu ac Addysg Uwch 1998, drwy hyn yn gwneud y Gorchymyn a ganlyn:

In exercise of the powers conferred on the Secretary of State by sections 7(1) and (3) and 42(6) and (7) of the Teaching and Higher Education Act 1998(1) and now vested in the National Assembly for Wales(2), the National Assembly for Wales, being of the opinion that the General Teaching Council for Wales may, in conjunction with their other functions, appropriately discharge the additional functions hereby conferred, and having carried out such consultation as appears to it to be appropriate in accordance with section 7(2) of the Teaching and Higher Education Act 1998 hereby makes the following Order:

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Ychwanegol) 2005 a daw i rym ar 9 Chwefror 2005.

Name and commencement

1. This Order is called the General Teaching Council for Wales (Additional Functions) Order 2005 and comes into force on 9 February 2005.

Dehongli

2. Yn y Gorchymyn hwn -

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

ystyr "gwladwriaeth berthnasol" ("*relevant state*") yw aelod-wladwriaeth o'r Gymuned Ewropeaidd, Gwlad yr Iâ, Norwy, Liechtenstein neu'r Swistir;

Interpretation

2. In this Order -

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

"the Directive" ("*y Gyfarwydddeb*") means Council Directive 89/48/EEC(3) on a general system for the recognition of higher-education diplomas awarded on completion of professional education and

(1) 1998 p.30. Mae'r darpariaethau perthnasol yn gymwys mewn perthynas â Chyngor Addysgu Cyffredinol Cymru yn rhinwedd adrannau 8 a 9 o'r Ddeddf a Gorchymyn Cyngor Addysgu Cyffredinol Cymru 1998 (O.S. 1998/2911 fel y'i diwygiwyd gan O.S. 2002/2940 (Cy.281)). Diwygiwyd adran 7(3) gan baragraff 78 o Atodlen 21 i Ddeddf Addysg 2002 (p.32).

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

(1) 1998 c.30. The relevant provisions apply in relation to the General Teaching Council for Wales by virtue of sections 8 and 9 of the Act and the General Teaching Council for Wales Order 1998 (S.I. 1998/2911, as amended by S.I. 2002/2940 (W.281)). Section 7(3) was amended by paragraph 78 of Schedule 21 to the Education Act 2002 (c.32).

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

(3) OJ No L19, 24.1.89, p.16.

ystyr "y Gyfarwyddeb" ("*the Directive*") yw Cyfarwyddeb y Cyngor 89/48/EEC(1) ar system gyffredinol ar gyfer cydnabod diplomâu addysg uwch a ddyfernir ar ôl cwblhau addysg a hyfforddiant proffesiynol sy'n para am o leiaf dair blynedd; ac

ystyr "y Rheoliadau" ("*the Regulations*") yw Rheoliadau'r Cymunedau Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) (Y System Gyffredinol Gyntaf) 2005(2).

Swyddogaethau Ychwanegol

3.-(1) Mae'r Cyngor, ac yntau wedi'i ddynodi yn unol â'r Rheoliadau, i gael swyddogaeth ystyried ceisiadau a rhoi awdurdodiadau i arfer proffesiwn athro neu athrawes ysgol yng Nghymru at ddiben y Gyfarwyddeb.

(2) Mae'r Cyngor i roi cyngor a gwybodaeth i'r cyhoedd am y gofynion i gydnabod yng Nghymru gymwysterau addysgu a gafwyd mewn gwladwriaeth berthnasol.

Llofnodwyd ar ran y Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(3).

11 Ionawr 2005

Llywydd y Cynulliad Cenedlaethol

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- (1) OJ Rhif L19, 24.1.89, t.16.
(2) O.S. 2005/18.
(3) 1998 p.38.

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training of at least three years' duration;

"the Regulations" ("*y Rheoliadau*") means the European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005(1); and

"relevant state" ("*gwladwriaeth berthnasol*") means a member state of the European Community, Iceland, Norway, Liechtenstein or Switzerland.

Additional Functions

3.-(1) The Council, having been designated in accordance with the Regulations, is to have the function of considering applications and granting authorisations to practice the profession of school teacher in Wales for the purpose of the Directive.

(2) The Council is to give advice and information to the public about the requirements for recognition in Wales of teaching qualifications obtained in a relevant state.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

11 January 2005

The Presiding Officer of the National Assembly

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- (1) S.I. 2005/18.
(2) 1998 c.38.

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