CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2005 Rhif 68 (Cy.6)

ADDYSG, CYMRU

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

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Ychwanegol) 2000 ("Gorchymyn 2000"). Mae'r Gorchymyn hwnnw'n ei gwneud yn ofynnol i Gyngor Addysgu Cyffredinol Cymru ("y Cyngor") gynnal cofnodion sy'n ymwneud â chategorïau o bersonau a bennir.

Mae'r diwygiadau a wneir gan y Gorchymyn hwn yn ei gwneud yn ofynnol i'r Cyngor gynnwys yn y cofnodion y dyddiad y cyflogwyd person am y tro cyntaf fel athro cyflenwi neu athrawes gyflenwi yn unol â darpariaethau Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2003, fel y'u diwygiwyd gan Reoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Diwygio) (Cymru) 2004. Bydd hyn yn galluogi'r Cyngor i fonitro a ganiateir i berson barhau dan gyflogaeth fel athro cyflenwi neu athrawes gyflenwi o dan y Rheoliadau hynny. Mae'r Rheoliadau hynny yn gosod terfynau ar y cyfnodau pan geir cyflogi person, sydd heb wasanaethu cyfnod ymsefydlu, yn athro cyflenwi neu'n athrawes gyflenwi.

Mae'r Gorchymyn hwn hefyd yn gwneud mân ddiwygiadau eraill i Orchymyn 2000.

Mae'n cyfyngu manylion academaidd a chymwysterau proffesiynol person a gaiff eu cynnwys yn y cofnodion i gymwysterau sy'n berthnasol i gyflogaeth fel athro neu athrawes.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2005 No. 68 (W.6)

EDUCATION, WALES

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the General Teaching Council for Wales (Additional Functions) Order 2000 ("the 2000 Order"). That Order requires the General Teaching Council for Wales ("the Council") to maintain records relating to specified categories of persons.

The amendments made by this Order require the Council to include in the records the date on which a person was first employed as a supply teacher in accordance with the provisions of the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003 as amended by the Education (Induction Arrangements for School Teachers) (Amendment) (Wales) Regulations 2004. This will enable the Council to monitor whether a person is permitted to continue in employment as a supply teacher under those Regulations. Those Regulations impose limits on the periods during which a person who has not served an induction period may be employed as a supply teacher.

This Order also makes other minor amendments to the 2000 Order.

It restricts the particulars of a person's academic and professional qualifications included in the records to qualifications that are relevant to employment as a teacher.

Mae hefyd yn gwneud diwygiadau yn sgil Deddf Addysg 2002, ac yn disodli'r cyfeiriadau yng Ngorchymyn 2000 at Ddeddf Diwygio Addysg 1988 gan gyfeiriadau at Ddeddf 2002.

It also makes amendments consequential on the Education Act 2002, replacing references in the 2000 Order to the Education Reform Act 1988 with references to the 2002 Act.

2005 Rhif 68 (Cy.6)

ADDYSG, CYMRU

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

Wedi'i wneud	*18 Ionawr 2005*
Yn dod i rym	*21 Ionawr 2005*

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 7(1) a (4) a 42(6) a (7) o Ddeddf Addysgu ac Addysg Uwch 1998(**1**) ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(**2**), mae Cynulliad Cenedlaethol Cymru, gan ei fod o'r farn y caiff Cyngor Addysgu Cyffredinol Cymru, a chan gofio am ei amcanion cyffredinol, gyflawni yn briodol y swyddogaethau ychwanegol a roddir iddo drwy hyn ac ar ôl ymgynghori fel y mae'n ymddangos iddo ei fod yn briodol, yn gwneud y Gorchymyn canlynol:

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Ychwanegol) (Diwygio) 2005 a daw i rym ar 21 Ionawr 2005.

Diwygio Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Ychwanegol) 2002

2. Diwygir Gorchymyn Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Ychwanegol) 2000(**3**) fel a ganlyn.

3. Yn erthygl 2 -

(a) hepgorer y diffiniad o "Deddf 1988";

(b) yn lle'r diffiniad o "athro neu athrawes gymwysedig" rhodder y diffiniad canlynol -

(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).

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

(3) O.S. 2000/1941 (Cy.139) a ddiwygiwyd gan O.S. 2001/2497 (Cy.201).

2005 No. 68 (W.6)

EDUCATION, WALES

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

Made	*18 January 2005*
Coming into force	*21 January 2005*

In exercise of the powers conferred on the Secretary of State by sections 7(1) and (4) 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, having regard to their general objectives, appropriately discharge the additional functions hereby conferred and having carried out such consultation as appears to it to be appropriate, makes the following Order:

Name and commencement

1. This Order is called the General Teaching Council for Wales (Additional Functions) (Amendment) Order 2005 and comes into force on 21 January 2005.

Amendment of the General Teaching Council for Wales (Additional Functions) Order 2002

2. The General Teaching Council for Wales (Additional Functions) Order 2000(**3**) is amended as follows.

3. In article 2 -

(a) omit the definition of "the 1988 Act";

(b) substitute for the definition of "qualified teacher" the following -

(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).

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

(3) S.I. 2000/1941 (W.139) amended by S.I. 2001/2497 (W.201).

"mae i "athro neu athrawes gymwysedig" yr un ystyr ag a roddir i "*qualified teacher*" yn adran 132(1) o Ddeddf Addysg 2002(**1**);".

4. Yn Rhan II o'r Atodlen -

(a) yn lle paragraff 12 rhodder y canlynol -

"**12**. Os yw'n hysbys,

(a) y dyddiad pan ddechreuodd y person yn ei swydd gyntaf yn athro neu athrawes gymwysedig;

(b) y dyddiad pryd y cyflogwyd y person am y tro cyntaf (os o gwbl) fel athro cyflenwi neu athrawes gyflenwi o dan baragraff 4 o Atodlen 1 i Reoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2003(**2**); a

(c) y dyddiad pryd y cyflogwyd y person am y tro cyntaf (os o gwbl) fel athro cyflenwi neu athrawes gyflenwi yn rhinwedd rheoliad 18(2)(**3**) o Reoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2003.";

(b) hepgorer paragraff 14(d) a'r "a" o'i flaen;

(c) ym mharagraff 16(c) ar ôl "person" ychwaneger y geiriau "sydd ym marn y Cyngor yn berthnasol i gyflogaeth fel athro neu athrawes";

(ch) ym mharagraff 19 yn lle'r geiriau "gael ei gyflogi fel athro neu athrawes o dan reoliadau a wnaed o dan adran 218(1) a (2) o Ddeddf 1988" rhodder y geiriau "gyflawni gwaith penodedig o dan reoliadau a wnaed o dan adran 133 o Deddf Addysg 2002(**4**)";

(d) yn lle paragraff 22 rhodder y canlynol -

"**22**. Telerau unrhyw gyfyngiad neu fanylion unrhyw waharddiad sydd mewn grym am y tro mewn perthynas â'r person o ganlyniad i gyfarwyddyd a roddwyd gan y Cynulliad Cenedlaethol neu'r Ysgrifennydd Gwladol o dan adran 142 o Ddeddf Addysg 2002(**5**).".

""qualified teacher" ("*athro neu athrawes gymwysedig*") has the same meaning as in section 132(1) of the Education Act 2002(**1**);".

4. In Part II of the Schedule -

(a) substitute for paragraph 12 the following -

"**12**. If known,

(a) the date on which the person took up his or her first post as a qualified teacher;

(b) the date on which the person was first employed (if at all) as a supply teacher under paragraph 4 of Schedule 1 to the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003(**2**); and

(c) the date on which the person was first employed (if at all) as a supply teacher by virtue of regulation 18(2)(**3**) of the Education (Induction for School Teachers) (Wales) Regulations 2003.";

(b) omit paragraph 14(e) and the preceding "and";

(c) in paragraph 16(c) add, after "person" the words "which the Council considers relevant to employment as a teacher";

(d) in paragraph 19 substitute for the words "to his or her employment as a teacher under regulations made under section 218(1) and (2) of the 1988 Act" the words "to the person carrying out specified work under regulations made under section 133 of the Education Act 2002(**4**)"; and

(e) substitute for paragraph 22 the following -

"**22**. The terms of any restriction or particulars of any prohibition for the time being in force in relation to the person as the result of a direction given by the National Assembly or the Secretary of State under section 142 of the Education Act 2002(**5**).".

(1) 2002 p.32. *Gweler* Rheoliadau Addysg (Cymwysterau Athrawon Ysgol) 2004, O.S. 2004/1729 (Cy. 173).

(2) O.S. 2003/543 (Cy.77). Amnewidiwyd paragraff 4 o Atodlen 1 gan O.S. 2004/872 (Cy.87).

(3) Mewnosodwyd rheoliad 18(2) gan O.S. 2004/872 (Cy.87).

(4) *Gweler* Rheoliadau Addysg (Gwaith Penodedig a Chofrestru) (Cymru) 2004, 2004/1744 (Cy. 183).

(5) 2002 p.32.

(1) 2002 c.32. *See* the Education (School Teachers' Qualifications) (Wales) Regulations 2004, S.I. 2004/1729 (W. 173).

(2) S.I. 2003/543 (W.77). Paragraph 4 of Schedule 1 was substituted by S.I. 2004/872 (W.87).

(3) Regulation 18(2) was inserted by S.I. 2004/872 (W.87).

(4) *See* the Education (Specified Work and Registration) (Wales) Regulations 2004, S.I. 2004/1744 (W. 183).

(5) 2002 p.32.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru yn unol ag adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**1**)

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

18 Ionawr 2005

18 January 2005

D. Elis-Thomas

Llywydd Cynulliad Cenedlaethol Cymru

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 68 (Cy.6)

ADDYSG, CYMRU

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

2005 No. 68 (W.6)

EDUCATION, WALES

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

©℗ Hawlfraint y Goron 2005

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2005

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-091055-9

9 780110 910550

£3.00

W181/1/05 ON