
WELSH STATUTORY INSTRUMENTS

2007 No. 812 (W.69)

EDUCATION, WALES

**The General Teaching Council for Wales
(Constitution) (Amendment) Regulations 2007**

Made - - - - - *13 March 2007*

Coming into force - - - - - *14 March 2007*

In exercise of the powers conferred on the Secretary of State by section 1 (5) and (7) of, and paragraph 3 of Schedule 1 to, the Teaching and Higher Education Act 1998(1), and now vested in the National Assembly for Wales(2), the National Assembly for Wales hereby makes the following Regulations:

Title and commencement

1. The title of these Regulations is the General Teaching Council for Wales (Constitution) (Amendment) Regulations 2007 and they come into force on 14 March 2007.

Amendment of the General Teaching Council for Wales (Constitution) Regulations 1999

2.—(1) The General Teaching Council for Wales (Constitution) Regulations 1999(3) are amended as follows.

(2) In regulation 2,

(a) in paragraph (1), omit the definitions of “junior pupil” and “senior pupil” and insert the following new definitions in the appropriate place in alphabetical order —

““assistant head teacher” means a qualified teacher (within the meaning of section 132 of the Education Act 2002(4)) with leadership responsibilities across the whole school who is appointed to the post of assistant head teacher;”;

““pupils of primary school age” means children who are under the age of 12;”;

““pupils of secondary school age” means persons who are aged 12 or over;” and

(b) in paragraph (2), before “and 9”, insert “, 5(1)”.

(1) 1998 c. 30; for the meaning of “prescribed” and “regulations” see section 43(1). Section 1(5) and (7) and Schedule 1 have effect in relation to the General Teaching Council for Wales by virtue of 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. 1999/1619, amended by S.I. 1999/3185 (W.43) and S.I. 2003/389 (W.51)
(4) 2002 c. 32.

(3) Renumber regulation 3 as paragraph (1) of that regulation and insert after paragraph (1) as renumbered —

“(2) All members are to act as individual members and not as representatives of the organisation, if any, to which they belong, nor, if relevant, as representatives of the organisation which nominated them for the purposes of regulation 7 nor as representatives of the Assembly.”

(4) In regulation 4,

- (a) in paragraph (a) for “junior pupils” substitute “pupils of primary school age”;
- (b) in paragraph (b) for “senior pupils” substitute “pupils of secondary school age”; and
- (c) for paragraph (c) substitute —

“(c) four head teachers, deputy head teachers or assistant head teachers (in any combination), one of whom must be a head teacher, deputy head teacher or assistant head teacher at a secondary school (within the meaning of section 5(2) of the 1996 Act).”

(5) In regulation 5,

- (a) in paragraph (1) insert after “as a teacher” (in sub-paragraphs (a) and (b)) “in a school”; and
- (b) after paragraph (1) insert the following —

“(1A) In paragraph (1) “school” means a school maintained by a local education authority or a special school not so maintained.”

(6) In regulation 6(2) and (3), omit the words “with the approval of the Secretary of State”.

(7) In regulation 7, for paragraph (4) substitute —

“(4) Where an organisation set out in the Schedule changes its name, but its objects are not materially changed, the reference to the organisation in the Schedule is to be read as a reference to the organisation under its new name.”

(8) In the Schedule —

- (a) in Part One, for “Secondary Heads Association in Wales” substitute “Association of School and College Leaders” and for “NATFHE — The University and College Lecturers' Union” substitute “University and College Union”; and
- (b) in Part Two for “Fforwm Ltd” substitute “Fforwm” and omit “Further Education National Training Organisation”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5).

13 Mawrth 2007

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

The General Teaching Council for Wales (Constitution) Regulations 1999, as amended, (“the 1999 Regulations”) provide for the constitution of the General Teaching Council for Wales (“the Council”). These Regulations amend the 1999 Regulations.

Regulations 2(2) and 5 of the 1999 Regulations are amended so that a person is not eligible for election to the Council under regulation 4 or appointment under regulation 11(1)(a), unless, as well as fulfilling the existing criteria relating to the length of the period of employment as a teacher, he or she was, during that period, registered with the Council and employed in a school maintained by an LEA (or a special school not so maintained). The Education (Specified Work and Registration) (Wales) Regulations 2004 requires a qualified teacher carrying out specified work (i.e. teaching) in a maintained school in Wales to be registered with the Council, so the effect of these amendments to the 1999 Regulations is that it is only those teachers who were required to be registered who are eligible for election or appointment under regulation 4 or 11(1)(a). By virtue of regulation 7(3) of the 1999 Regulations this new requirement also applies to a person appointed by the National Assembly for Wales after nomination by an organisation set out in the Schedule to the 1999 Regulations.

Regulation 3 of the 1999 Regulations is amended so as to make it clear that all Council members (whether elected or appointed) are to act as individuals and not as representatives of any organisations to which they belong or which nominated them for appointment.

Regulation 4 of the 1999 Regulations (read with the new definitions inserted in regulation 2(1) of those Regulations) is amended so as to rename the category of elected members of the Council comprising teachers of junior pupils as teachers of pupils of primary school age and the category comprising teachers of senior pupils as teachers of pupils of secondary school age. This simply reflects the terms which are in practice used by the Council and the teaching profession. Regulation 4 is also amended so that the category of elected members which comprised head or deputy head teachers now comprises head, deputy head or assistant head teachers, one of whom must be from the secondary sector.

Regulation 6(2) and (3) of the 1999 Regulations are amended so that an electoral scheme under regulation 6 of those Regulations no longer requires approval of the National Assembly (formerly the Secretary of State).

Regulation 7 of the 1999 Regulations is amended so as to make it clear that, where an organisation listed in the Schedule to those Regulations changes its name but effectively remains the same organisation, the reference in the Schedule is to be read as a reference to the organisation under its new name.

The Schedule to the 1999 Regulations is amended so as to reflect changes made in the names of the organisations listed since it was last updated in 2003.