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WELSH STATUTORY INSTRUMENTS

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**2009 No. 1351 (W.127)**

**EDUCATION, WALES**

**The General Teaching Council for Wales  
(Additional Functions) (Amendment) Order 2009**

*Made - - - - 2 June 2009*  
*Laid before the National*  
*Assembly for Wales - - 4 June 2009*  
*Coming into force in accordance with article 1(2)*

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<sup>(1)</sup> and now vested in them<sup>(2)</sup>, the Welsh Ministers, 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, in accordance with section 7(2), having carried out such consultation as appears to it to be appropriate, make the following Order.

**Title and commencement**

1.—(1) The title of this Order is the General Teaching Council for Wales (Additional Functions) (Amendment) Order 2009.

(2) This Order comes into force on 1 July 2009 save for article 2(2)(a) and (3)(b) which comes into force on 12 October 2009 and article 2(2)(b) and (3)(a) which comes into force on 26 July 2010.

**Amendment of the General Teaching Council for Wales (Additional Functions) Order 2000**

2.—(1) The General Teaching Council for Wales (Additional Functions) Order 2000<sup>(3)</sup> is amended as follows.

(2) In Part 1 of the Schedule,

- (a) in paragraph 2 for “section 3(3)(a) to (c)” substitute “section 3(3)(aa), (b)”;
- (b) after paragraph 3 insert the following —

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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 of the Act and the General Teaching Council for Wales Order 1998 (S.I.1998/2911).

(2) The Secretary of State’s functions were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) S.I. 2000/1941 (W.139) amended by S.I. 2001/2497 (W.201), S.I. 2005/68 (W.6) and S.I. 2006/1341 (W.132).

“**3A.** Qualified teachers in relation to whom the Secretary of State has ceased monitoring as mentioned in section 24 of the Safeguarding Vulnerable Groups Act 2006<sup>(4)</sup> in accordance with section 26 of that Act.”.

(3) In Part 2 of the Schedule,

(a) after paragraph 19 insert the following —

“**19A.** Whether the person is subject to monitoring in accordance with section 24 of the Safeguarding Vulnerable Groups Act 2006, and if not, whether the Secretary of State has ceased monitoring in accordance with section 26 of that Act.”;

(b) after paragraph 22 insert the following —

“**22A.** If the person has been barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006), a statement of that fact.”;

(c) after paragraph 23B insert the following —

“**23C.** The terms of any restriction or particulars of any prohibition for the time being in force in relation to the person as a result of disciplinary action taken by the General Teaching Council for Northern Ireland.

**23D.** The terms of any restriction or particulars of any prohibition for the time being in force in relation to the person as a result of disciplinary action taken by An Chomhairle Mhúinteoireachta or the Teaching Council established under section 5 of the Teaching Council Act, 2001<sup>(5)</sup> (which body has functions corresponding to those of the Council in relation to the Republic of Ireland).”.

*Jane Hutt*

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

2 June 2009

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(4) 2006 c. 47.

(5) Number 8 of 2001.

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## EXPLANATORY NOTE

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

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

The amendments are as follows—

- there is added to the category of persons about whom the Council must keep records any qualified teacher that the Secretary of State has ceased monitoring under the Safeguarding Vulnerable Groups Act 2006;
- there is added to the information that must be contained in the records kept by the Council the following—
  - whether a person is being monitored or has ceased being monitored under the Safeguarding Vulnerable Groups Act 2006,
  - whether a person has been barred under that Act,
  - the terms of any restriction or prohibition imposed by the General Teaching Council for Northern Ireland,
  - the terms of any restriction or prohibition imposed by An Chomhairle Mhúinteoireachta or the Teaching Council for the Republic of Ireland.