OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1351 (Cy.127)

ADDYSG, CYMRU

Gorchymyn Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Ychwanegol) (Diwygio) 2009

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. Mae'r Gorchymyn hwnnw'n ei gwneud yn ofynnol i Gyngor Addysgu Cyffredinol Cymru ("y Cyngor") gynnal cofnodion sy'n ymwneud â chategorïau penodedig o bersonau.

Mae'r diwygiadau fel a ganlyn—

- ychwanegwyd at y categori o bersonau y mae'n rhaid i'r Cyngor gadw cofnodion amdanynt unrhyw athro cymwysedig neu athrawes gymwysedig y mae'r Ysgrifennydd Gwladol wedi rhoi'r gorau i'w fonitro neu i'w monitro o dan Ddeddf Diogelu Grwpiau Hyglwyf 2006;
- ychwanegwyd at yr wybodaeth y mae'n rhaid ei chynnwys yn y cofnodion a gedwir gan y Cyngor y canlynol—
  - — a yw person yn cael ei fonitro neu wedi peidio â chael ei fonitro o dan Ddeddf Diogelu Grwpiau Hyglwyf 2006,
  - — a yw person wedi'i wahardd o dan y Ddeddf honno,
  - — telerau unrhyw gyfyngiad neu waharddiad a osodir gan Gyngor Addysgu Cyffredinol Gogledd Iwerddon,
  - — telerau unrhyw gyfyngiad neu waharddiad a osodir gan An Chomhairle Mhúinteoireachta neu Gyngor Addysgu Gweriniaeth Iwerddon.

WELSH STATUTORY INSTRUMENTS

2009 No. 1351 (W.127)

EDUCATION, WALES

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

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.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1351 (Cy.127)

ADDYSG, CYMRU

Gorchymyn Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Ychwanegol) (Diwygio) 2009

Gwnaed	*2 Mehefin 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*4 Mehefin 2009*
Yn dod i rym	*yn unol ag erthygl 1(2)*

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 bellach wedi'u breinio ynddynt(**2**), mae Gweinidogion Cymru, gan eu bod o'r farn y caiff Cyngor Addysgu Cyffredinol Cymru, o roi sylw i'w amcanion cyffredinol, gyflawni'n briodol y swyddogaethau ychwanegol a roddir iddo drwy hyn ac, yn unol ag adran 7(2), ar ôl cynnal unrhyw ymgynghoriad y mae'n ymddangos iddynt ei fod yn briodol, yn gwneud y Gorchymyn a ganlyn.

Enwi a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Ychwanegol) (Diwygio) 2009.

(2) Daw'r Gorchymyn hwn i rym ar 1 Gorffennaf 2009 ac eithrio erthygl 2(2)(a) a (3)(b) a ddaw i rym ar 12 Hydref 2009 ac erthygl 2(2)(b) a (3)(a) a ddaw i rym ar 26 Gorffennaf 2010.

(**1**) 1998 p.30. Mae'r darpariaethau perthnasol yn gymwys o ran Cyngor Addysgu Cyffredinol Cymru yn rhinwedd adrannau 8 a 9 o'r Ddeddf a Gorchymyn Cyngor Addysgu Cyffredinol Cymru 1998 (O.S. 1998/2911).

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH STATUTORY INSTRUMENTS

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(**1**) and now vested in them(**2**), 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.

(**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).

Diwygio Gorchymyn Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Ychwanegol) 2000

2.—(1) Mae Gorchymyn Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Ychwanegol) 2000(**1**) wedi'i ddiwygio fel a ganlyn.

(2) Yn Rhan 1 o'r Atodlen,

(a) ym mharagraff 2 yn lle "adran 3(3)(a) i (c)" rhodder "adran 3(3)(aa), (b)";

(b) ar ôl paragraff 3 mewnosoder y canlynol —

"**3A**. Athrawon cymwysedig y mae'r Ysgrifennydd Gwladol wedi rhoi'r gorau i'w monitro yn y modd a grybwyllir yn adran 24 o Ddeddf Diogelu Grwpiau Hyglwyf 2006(**2**) yn unol ag adran 26 o'r Ddeddf honno.".

(3) Yn Rhan 2 o'r Atodlen,

(a) ar ôl paragraff 19 mewnosoder y canlynol —

"**19A**. A yw'r person yn ddarostyngedig i fonitro'n unol ag adran 24 o Ddeddf Diogelu Grwpiau Hyglwyf 2006, ac os na, a yw'r Ysgrifennydd Gwladol wedi rhoi'r gorau i fonitro'n unol ag adran 26 o'r Ddeddf honno.";

(b) ar ôl paragraff 22 mewnosoder y canlynol —

"**22A**. Os yw'r person wedi'i wahardd o weithgaredd a reoleiddir sy'n ymwneud â phlant (o fewn ystyr adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006), datganiad i'r perwyl hwnnw.

(c) ar ôl paragraff 23B mewnosoder y canlynol —

"**23C**. Telerau unrhyw gyfyngiad neu fanylion unrhyw waharddiad sydd mewn grym am y tro mewn perthynas â'r person o ganlyniad i gamau disgyblu a gymerwyd gan Gyngor Addysgu Cyffredinol Gogledd Iwerddon.

23D. Telerau unrhyw gyfyngiad neu fanylion unrhyw waharddiad sydd mewn grym am y tro mewn perthynas â'r person o ganlyniad i gamau disgyblu a gymerwyd gan An Chomhairle Mhúinteoireacht neu'r Cyngor Addysgu a sefydlwyd o dan adran 5 o Ddeddf y Cyngor Addysgu, 2001(**3**) (corff y mae ganddo swyddogaethau sy'n cyfateb i rai'r Cyngor mewn perthynas â Gweriniaeth Iwerddon).".

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

2.—(1) The General Teaching Council for Wales (Additional Functions) Order 2000(**1**) 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 —

"**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(**2**) 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(**3**) (which body has functions corresponding to those of the Council in relation to the Republic of Ireland).".

(**1**) O.S. 2000/1941 (Cy.139), a ddiwygiwyd gan O.S. 2001/2497 (Cy.201), O.S. 2005/68 (Cy.6) ac O.S. 2006/1341 (Cy.132).

(**2**) 2006 p.47.

(**3**) Rhif 8, 2001.

(**1**) 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).

(**2**) 2006 c.47.

(**3**) Number 8 of 2001.

Jane Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

2 Mehefin 2009

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

2 June 2009

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