
WELSH STATUTORY INSTRUMENTS

2009 No. 1352 (W.128)

EDUCATION, WALES

**The General Teaching Council for Wales
(Constitution) (Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>2 June 2009</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4 June 2009</i>
<i>Coming into force</i>	- -	<i>12 October 2009</i>

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 Welsh Ministers⁽²⁾, and having consulted the General Teaching Council for Wales in accordance with section 42(9) of the Teaching and Higher Education Act 1998, the Welsh Ministers make the following Regulations:

Title and commencement

1. The title of these Regulations is the General Teaching Council for Wales (Constitution) (Amendment) Regulations 2009 and they come into force on 12 October 2009.

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(1) omit the definition of “the 1988 Act”.

(3) In regulation 2(2)(b) for the words “section 218(2) of the 1988 Act” substitute “section 132(1) of the Education Act 2002⁽⁴⁾”.

(4) For regulation 5(2)(a) substitute —

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- (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) The functions of the Secretary of State 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. 1999/1619](#), amended by [S.I. 1999/3185 \(W.43\)](#), [S.I. 2003/389 \(W.51\)](#) and [S.I. 2007/812 \(W.69\)](#).
- (4) [2002 c. 32](#). The Regulations in force under section 132(1) at the time of making these Regulations are the Education (School Teachers' Qualifications) (Wales) Regulations 2004, [S.I. 2004/1729 \(W.173\)](#).

- “(a) the person’s employment as a teacher is restricted or prohibited as a result of a direction under section 142 of the Education Act 2002 or the person is barred from regulated activity relating to children within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006(5);”.
- (5) For regulation 10(5)(a) substitute —
- “(a) the person’s employment as a teacher is restricted or prohibited as a result of a direction under section 142 of the Education Act 2002 or the person is barred from regulated activity relating to children within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006;”.
- (6) In the Schedule —
- (a) in Part 1, omit the entry “University and College Union”; and
- (b) in Part 2, for “Parent Teacher Associations of Wales” substitute “National Confederation of Parent Teacher Associations”, for “Independent Schools Information Service Wales” substitute “Independent Schools Council” and after the entry numbered 30 add “31. University and College Union”.

2 June 2009

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

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 mainly as a consequence of the coming into force of provisions of the Safeguarding Vulnerable Groups Act 2006.

Regulation 5 of the 1999 Regulations is amended so that a person who has been barred from regulated activity relating to children under the Safeguarding Vulnerable Groups Act 2006 is not eligible to be a member of the Council (whether by appointment or election) nor to vote in an election.

Regulation 10 of the 1999 Regulations is amended so that if a Council member is so barred, that member ceases to hold office.

The other amendments made by these Regulations—

- update references in the interpretation provisions in regulation 2 of the 1999 Regulations, and
- update the Schedule to the 1999 Regulations (bodies entitled to nominate persons for appointment by the Welsh Ministers).