
WELSH STATUTORY INSTRUMENTS

2012 No. 166 (W.25)

EDUCATION, WALES

**The General Teaching Council for Wales
(Functions) (Amendment) Regulations 2012**

Made - - - - 20 January 2012
*Laid before the National
Assembly for Wales* - - 26 January 2012
Coming into force in accordance with regulation 1(2)

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 3(3D), 4(2) and 42(6) and (7) of the Teaching and Higher Education Act 1998(1) and now vested in them(2), and having consulted the General Teaching Council for Wales in accordance with section 42(9) of the Teaching and Higher Education Act 1998:

Title and commencement

1.—(1) The title of these Regulations is the General Teaching Council for Wales (Functions) (Amendment) Regulations 2012.

(2) Regulation 2(2) comes into force on 2 April 2012, regulations 2(3)(a) and 2(4)(a) come into force on the day that section 8 of the Education Act 2011(3) comes into force and regulations 2(3) (b) and (c) and 2(4)(b) and (c) come into force on the day that section 7 of the Education Act 2011 comes into force.

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

2.—(1) The General Teaching Council for Wales (Functions) Regulations 2000(4) are amended as follows.

(2) Substitute for regulation 3(a) the following paragraph—

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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). Section 3(3D) was inserted by paragraphs 1, 3(1) and (5) of Part 1 of Schedule 12 to the Education Act 2002 (c. 32) and section 4(2) was amended by paragraphs 1, 4(1) and (2) of Part 1 of Schedule 12 to that Act.
- (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) 2011 c. 21.
- (4) S.I. 2000/1979 (W. 140) as amended by S.I. 2001/2496 (W. 200), S.I. 2004/1741 (W. 180), S.I. 2005/69 (W. 7), S.I. 2006/1343 (W. 133), S.I. 2009/1353 (W. 129) and S.I. 2010/1142 (W. 101).

“article 18(2) (fitness to teach) or 19 (barred individuals) of the Public Services Reform (General Teaching Council for Scotland) Order 2011⁽⁵⁾ or a decision by the General Teaching Council for Scotland to remove an individual from the register following their conviction of an offence under article 27 (offences) of that Order.”.

(3) In Schedule 1,

(a) after paragraph 21 insert the following—

“**21A** The terms of any prohibition order for the time being in force in relation to the person made by the Secretary of State under section 141B of the Education Act 2002.”.

(b) in paragraph 22A omit the words “or the General Teaching Council for England”.

(c) in paragraph 22B omit the words “or the General Teaching Council for England”.

(4) In Schedule 2,

(a) after paragraph 12A insert the following—

“**12B** The terms of any prohibition order for the time being in force in relation to the person made by the Secretary of State under section 141B of the Education Act 2002.”.

(b) in paragraph 13A omit the words “or the General Teaching Council for England”.

(c) in paragraph 13B omit the words “or the General Teaching Council for England”.

20 January 2012

Leighton Andrews
Minister for Education and Skills, one of the
Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the General Teaching Council for Wales (Functions) Regulations 2000 (“the 2000 Regulations”), as a consequence of the Education Act 2011 (“the 2011 Act”), which provides for the abolition of the General Teaching Council for England (“the GTCE”) and makes new provision in relation to the prohibition of persons from carrying out teaching work. The 2000 Regulations also take account of the coming into force of parts of the Public Services Reform (General Teaching Council for Scotland) Order 2011.

Regulation 2(2) of these Regulations substitutes a new provision for regulation 3(a) of the 2000 Regulations. The new provision takes account of the coming into force of parts of the Public Services Reform (General Teaching Council for Scotland) Order 2011, which makes changes to the criteria that will determine removal of a person from the register of teachers in Scotland.

Regulation 2(3) adds a new paragraph to Schedule 1 to the 2000 Regulations which provides that the terms of any prohibition order made by the Secretary of State under section 141B of the Education Act 2002 (“the 2002 Act”), under which a person is prohibited from carrying out teaching work, will be recorded in the register of teachers maintained by the General Teaching Council for Wales. Section 141B is inserted into the 2002 Act by the 2011 Act. The regulation also removes references to the GTCE in paragraphs 22A and 22B of Schedule 1 to the 2000 Regulations.

Regulation 2(4) provides that the terms of any prohibition order made by the Secretary of State under section 141B of the 2002 Act under which a person is prohibited from carrying out teaching work may be supplied to employers and others. The regulation also removes references to the GTCE in paragraphs 13A and 13B of Schedule 2 to the 2000 Regulations.