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WELSH STATUTORY INSTRUMENTS

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**1999 No. 2817**

**The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999**

**PART III**

**PROVISIONS OF GENERAL APPLICATION**

**Health standards-appointments**

**6.**—(1) Subject to paragraph (4), a person shall not be appointed to relevant employment if, having regard to any duty of the employer under Part II of the Disability Discrimination Act 1995<sup>(1)</sup>, he does not have the health and mental and physical capacity for that employment.

(2) In the case of the first appointment as a teacher of a person in respect of whom the Assembly has been satisfied that he has the health and mental and physical capacity for teaching, his employers may accept the conclusions of the Assembly in the matter where it appears to them reasonable to do so.

(3) In the case of any appointment to relevant employment of a person previously in such employment, his employers may where it appears to them reasonable to do so rely upon the person's medical record while in that employment for the purpose of determining that the person has the health and mental and physical capacity for such employment.

(4) A person who is in receipt of a retirement pension by virtue of regulation E4(4) of the Teachers' Pensions Regulations 1997<sup>(2)</sup> (ill health retirement) shall not be regarded as having the health and mental and physical capacity to be appointed to relevant employment or to be engaged to provide his services as a teacher at a school or further education institution otherwise than under a contract of employment, save that a person whose entitlement to such pension took effect before 1st April 1997 may be so appointed or engaged to serve part-time.

(5) Nothing in paragraph (4) prevents the appointment or engagement of a person who has ceased to be incapacitated and whose retirement pension has for that reason ceased to be payable.

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(1) 1995 c. 50.

(2) S.I.1997/3001 to which there are amendments not relevant to these Regulations.