WELSH STATUTORY INSTRUMENTS

2001 No. 1424

The General Teaching Council for Wales (Disciplinary Functions) Regulations 2001

PART I

INTRODUCTION

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"the 1998 Act" ("*Deddf 1998*") means the Teaching and Higher Education Act 1998;

"Code of Practice" ("*Cod Ymarfer*") means the code of practice authorised to be issued under regulation 13 of the General Teaching Council for Wales (Functions) Regulations 2000(**1**);

"the Council" ("*y Cyngor*") means the General Teaching Council for Wales;

"disciplinary order" ("*gorchymyn disgyblu*") in relation to a teacher in Wales or England means "a reprimand" ("*cerydd*"), "a conditional registration order" ("*gorchymyn cofrestru amodol*"), "a suspension order" ("*gorchymyn atal*") or "a prohibition order" ("*gorchymyn gwahardd*") within the meaning of Schedule 2 to the 1998 Act;

"disciplinary proceedings" ("*achos disgyblu*") in relation to a teacher in Wales or England means disciplinary proceedings under Schedule 2 to the 1998 Act;

"independent school" ("*ysgol annibynnol*") has the same meaning as in section 463 of the Education Act 1996(**2**);

"institution within the further education sector" ("*sefydliad yn y sector addysg bellach*") has the meaning given to it by section 91(3) of the Further and Higher Education Act 1992(**3**);

"institution within the higher education sector" ("*sefydliad yn y sector addysg uwch*") has the meaning given to it by section 91(5) of the Further and Higher Education Act 1992;

"Investigating Committee" ("*Pwyllgor Ymchwilio*") means a committee established under regulation 3(1);

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"Professional Competence Committee" ("*Pwyllgor Cymhwysedd Proffesiynol*") means a committee established under regulation 6(1);

"Professional Conduct Committee" ("*Pwyllgor Ymddygiad Proffesiynol*") means a committee established under regulation 5(1);

(**1**) S.I.2000/1979 (W. 140).
(**2**) 1996 c. 36; section 463 is amended by paragraphs 57 and 124 of Schedule 30 and by Schedule 31 to the School Standards and Framework Act 1998.
(**3**) 1992 c. 13.

"the Register" ("*y Gofrestr*") means the register of teachers which the Council are required to establish and maintain in accordance with section 3 of the 1998 Act and the General Teaching Council for Wales (Functions) Regulations 2000 and "registration" ("*cofrestru*") means registration on the Register;

"relevant offence" ("*tramgwydd perthnasol*") has the same meaning as in Schedule 2 to the 1998 Act;

"school maintained by a local education authority" ("*ysgol a gynhelir gan awdurdod addysg lleol*") has the same meaning as in section 142(1) of the School Standards and Framework Act 1998(**4**);

"special school" ("*ysgol arbennig*") has the same meaning as in section 337(1) of the Education Act 1996(**5**); and

"unacceptable professional conduct" ("*ymddygiad proffesiynol annerbyniol*") has the same meaning as in Schedule 2 to the 1998 Act.

(2) In regulations 18 and 28, "employer" ("*cyflogydd*") means—

(a) a person who employs a registered teacher to work as a teacher at—

(i) a school maintained by a local education authority,

(ii) a special school not maintained by a local education authority,

(iii) an institution providing further or higher education or both which is maintained by a local education authority or is within the further education sector, or

(iv) an institution within the higher education sector in receipt of financial support under section 65 of the Further and Higher Education Act 1992(**6**);

(b) a local education authority which employs a registered teacher to work as a teacher otherwise than at a school or institution falling within sub-paragraph (a);

(c) a local education authority or the governing body of a school or institution falling within sub-paragraph (a) which employs a registered teacher in work otherwise than as a teacher which brings the teacher regularly into contact with persons who have not attained the age of nineteen years; and

(d) a person who employs a registered teacher at an independent school, or the proprietor of an independent school who employs a registered teacher, to work as a teacher or in work otherwise than as a teacher which brings the teacher regularly into contact with persons who have not attained the age of nineteen years, and includes a person who engages (or makes arrangements for the engagement of) a registered teacher to provide services otherwise than under a contract of employment, and "employed" ("*cyflogi*" and "*cyflogir*") shall be construed accordingly.

(a) (3) (a) In regulations 7, 8 and 9 "Committee" ("*Pwyllgor*") means an Investigating Committee, a Professional Conduct Committee or a Professional Competence Committee; and

(b) in regulations 11 to 16, 18 and 23 and paragraph 8 of the Schedule "Committee" ("*Pwyllgor*") means a Professional Conduct Committee or a Professional Competence Committee.

(4) In regulations 11 to 15 "hearing" ("*gwrandawiad*") means the hearing by a Professional Conduct Committee or a Professional Competence Committee of disciplinary proceedings against a registered teacher, or a hearing under regulation 20, 21 or 22.

(**4**) 1998 c. 31.

(**5**) 1996 c. 36; section 337(1) is amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

(**6**) 1992 c. 13; section 65 was amended by the Disability Discrimination Act 1995 (c. 50) and the Teaching and Higher Education Act 1998 (c. 30).

(5) In regulations 8 and 28 "registered teacher" ("athro neu athrawes gofrestredig") means a person for the time being registered under section 3 of the 1998 Act, and in the remaining provisions of these Regulations it means—

(a) a person for the time being registered under section 3 of the 1998 Act;

(b) a person who was registered under section 3 of the 1998 Act at the time of any alleged conduct or offence on his or her part; or

(c) a person who has made an application to be registered under section 3 of the 1998 Act.

(6) Any reference in these Regulations to—

(a) the Schedule is a reference to the Schedule to these Regulations;

(b) a numbered regulation, is a reference to the regulation bearing that number in these Regulations;

(c) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference appears; and

(d) a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference appears.