CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2005 Rhif 1227 (Cy.85)

ADDYSG, CYMRU

Rheoliadau Cymwysterau a Chofrestru Prifathrawon (Cymru) 2005

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn, sy'n gymwys mewn perthynas â Chymru, yn gwneud darpariaeth sy'n ei gwneud yn ofynnol bod penaethiaid tro cyntaf ysgolion a gynhelir gan awdurdod addysg lleol ac ysgolion arbennig na chynhelir mohonynt gan awdurdod addysg lleol, ac a benodir yn benaethiaid ar neu ar ôl 1 Medi 2005:

(i) yn meddu ar y Cymhwyster Proffesiynol Cenedlaethol ar gyfer Prifathrawiaeth yng Nghymru, neu'r cymhwyster sy'n cyfateb iddo yn Lloegr, yr Alban neu Ogledd Iwerddon;

(ii) yn athrawon cymwysedig; a

(iii) wedi'u cofrestru yn athrawon.

Bydd yn ofynnol bod gweithwyr mudol o Aelod-wladwriaethau eraill yr Undeb Ewropeaidd, Gwlad yr Iâ, Norwy, Liechtenstein neu'r Swistir yn meddu ar gymwysterau cyfatebol.

Yn rhinwedd rheoliad 8, nid yw person sy'n cyflawni swyddogaethau pennaeth hyd nes y penodir pennaeth, neu yn ystod absenoldeb pennaeth ('pennaeth dros dro') yn bennaeth at ddibenion y Rheoliadau hyn.

Nid yw'r Rheoliadau hyn yn gymwys i Unedau Cyfeirio Disgyblion.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2005 No. 1227 (W.85)

EDUCATION, WALES

The Head Teachers' Qualifications and Registration (Wales) Regulations 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, make provision requiring first time head teachers of schools maintained by a local education authority and special schools which are not so maintained and who are appointed as a head teacher on or after 1 September 2005 to:

(i) hold the National Professional Qualification for Headship in Wales or its equivalent in England, Scotland or Northern Ireland;

(ii) be qualified teachers; and

(iii) be registered as teachers.

Migrant workers from other Member States within the European Union, Iceland, Norway, Liechtenstein or Switzerland will be required to hold equivalent qualifications.

By virtue of regulation 8, a person who is carrying out the functions of a head teacher pending the appointment of a head teacher, or in the absence of a head teacher, ('an acting head teacher') is not a head teacher for the purposes of these Regulations.

These Regulations do not apply to Pupil Referral Units.

OFFERYNNAU STATUDOL

2005 Rhif 1227 (Cy.85)

ADDYSG, CYMRU

Rheoliadau Cymwysterau a Chofrestru Prifathrawon (Cymru) 2005

Wedi'u gwneud	*26 Ebrill 2005*
Yn dod i rym	*1 Medi 2005*

Drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 134, 135, 145(1) a (2) a 210(7) o Ddeddf Addysg 2002 (**1**), mae Cynulliad Cenedlaethol Cymru drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymwysterau a Chofrestru Prifathrawon (Cymru) 2005 a deuant i rym ar 1 Medi 2005.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â Chymru.

(3) Nid yw'r Rheoliadau hyn yn gymwys i berson a benodwyd, cyn i'r Rheoliadau hyn ddod i rym, yn bennaeth ar y canlynol:

(a) ysgol yng Nghymru neu Loegr a gynhelir gan awdurdod addysg lleol neu ysgol arbennig yng Nghymru neu Loegr na chynhelir mohoni gan awdurdod addysg lleol;

(b) ysgol annibynnol yng Nghymru neu Loegr; neu

(c) sefydliad addysgol tebyg y tu allan i Gymru neu Loegr.

(4) Nid yw'r Rheoliadau hyn yn gymwys i Unedau Cyfeirio Disgyblion.

Dehongli

2. Yn y Rheoliadau hyn:

ystyr "Rheoliadau 2005 ("*the 2005 Regulations*")

(1) 2002 p.32.

STATUTORY INSTRUMENTS

2005 No. 1227 (W.85)

EDUCATION, WALES

The Head Teachers' Qualifications and Registration (Wales) Regulations 2005

Made	*26 April 2005*
Coming into force	*1 September 2005*

In exercise of the powers conferred on the National Assembly for Wales by sections 134, 135, 145(1) and (2) and 210(7) of the Education Act 2002(**1**) the National Assembly for Wales hereby makes the following Regulations:

Name, commencement and application

1.-(1) These Regulations are called the Head Teachers' Qualifications and Registration (Wales) Regulations 2005 and come into force on 1 September 2005.

(2) These Regulations apply in relation to Wales.

(3) These Regulations do not apply to a person who before the coming into force of these Regulations has been appointed as the head teacher of:

(a) a school in Wales or England maintained by a local education authority or a special school in Wales or England not so maintained by a local education authority;

(b) an independent school in Wales or England; or

(c) a similar educational institution outside Wales or England.

(4) These Regulations do not apply to Pupil Referral Units.

Interpretation

2. In these Regulations:

"the 2005 Regulations" ("*Rheoliadau 2005*")

(1) 2002 c.32.

yw Rheoliadau'r Cymunedau Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) (Y System Gyffredinol Gyntaf) 2005(**1**);

ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru; ac

ystyr "ysgol" ("*school*") (oni bai bod y cyd-destun yn mynnu fel arall) yw ysgol a gynhelir gan awdurdod addysg lleol neu ysgol arbennig na chynhelir mohoni gan awdurdod addysg lleol.

Cymhwyster Prifathrawiaeth

3.-(1) Yn ddarostyngedig i reoliad 5, dim ond os yw'n meddu ar un o'r canlynol y caiff person wasanaethu fel pennaeth ysgol:-

(a) y Cymhwyster Proffesiynol Cenedlaethol ar gyfer Prifathrawiaeth yng Nghymru;

(b) y Cymhwyster Proffesiynol Cenedlaethol ar gyfer Prifathrawiaeth yn Lloegr(**2**);

(c) Safon Prifathrawiaeth yr Alban(**3**);

(ch) y Cymhwyster Proffesiynol Cenedlaethol ar gyfer Prifathrawiaeth yng Ngogledd Iwerddon (**4**);

(d) cymhwyster sy'n debyg o ran ei effaith yn rhinwedd Rheoliadau 2005.

(2) Ystyr y Cymhwyster Proffesiynol Cenedlaethol ar gyfer Prifathrawiaeth yng Nghymru yw'r cymhwyster a ddyfernir gan y Cynulliad Cenedlaethol i berson os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod y person wedi llwyddo i gwblhau unrhyw gwrs hyfforddiant y mae'r Cynulliad Cenedlaethol yn ei gymeradwyo o dro i dro at ddibenion dyfarnu'r cymhwyster hwnnw.

Gofyniad bod rhaid meddu ar gymhwyster

4. Dim ond os yw:

(a) yn athro cymwysedig neu'n athrawes gymwysedig; neu

(b) yn meddu ar gymhwyster sy'n debyg o ran effaith yn rhinwedd Rheoliadau 2005

(1) O.S. 2005/18. Mae hwn yn rhoi ei heffaith i Gyfarwyddeb y Cyngor 89/48/EEC ynghylch system gyffredinol ar gyfer cydnabod diplomâu addysg uwch a ddyfernir pan gwblheir addysg a hyfforddiant proffesiynol sy'n para am o leiaf dair blynedd.

(2) Rheoliadau Addysg (Cymwysterau Prifathrawon) (Lloegr) 2003, (O.S. 2003/3111), yw'r Rheoliadau cyfredol sy'n darparu ar gyfer hyn. Mae'r Cymhwyster Proffesiynol Cenedlaethol ar gyfer Prifathrawiaeth yn Lloegr yn cael ei ddyfarnu gan y National College for School Leadership Limited.

(3) Ar hyn o bryd, mae Safon Prifathrawiaeth yr Alban yn cael ei hennill drwy ymgymryd â Chymhwyster yr Alban ar gyfer Prifathrawiaeth.

(4) Mae'r Cymhwyster Proffesiynol Cenedlaethol ar gyfer Prifathrawiaeth yng Ngogledd Iwerddon yn cael ei ddyfarnu gan yr Uned Hyfforddi Rhanbarthol yng Ngogledd Iwerddon.

means the European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005(**1**);

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

"school" ("*ysgol*") means, (unless the context requires otherwise), a school maintained by a local education authority or a special school not so maintained.

Headship Qualification

3.-(1) Subject to regulation 5 a person may only serve as a head teacher of a school if he or she holds:-

(a) the National Professional Qualification for Headship in Wales;

(b) the National Professional Qualification for Headship in England(**2**);

(c) the Scottish Standard for Headship(**3**);

(d) the Professional Qualification for Headship in Northern Ireland(**4**);

(e) a qualification which has equivalent effect by virtue of the 2005 Regulations.

(2) The National Professional Qualification for Headship in Wales means the qualification awarded by the National Assembly to a person if it is satisfied that the person has successfully completed such course of training as the National Assembly may from time to time approve for the purposes of the award of that qualification.

Requirement to be qualified

4. A person may serve as the head teacher of a school only if he or she:

(a) is a qualified teacher; or

(b) has a qualification which has equivalent effect by virtue of the 2005 Regulations.

(1) S.I. 2005/18. This gives effect to Council Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration.

(2) The Education (Head Teachers' Qualifications) (England) Regulations 2003, (S.I. 2003/3111), are the current Regulations which provide for this. The National Professional Qualification for Headship in England is awarded by the National College for School Leadership Limited.

(3) The Scottish Standard for Headship is currently achieved by undertaking the Scottish Qualification for Headship.

(4) The Professional Qualification for Headship in Northern Ireland is awarded by the Regional Training Unit in Northern Ireland.

Gofyniad bod rhaid cofrestru

5. Dim ond os yw wedi cofrestru o dan adran 3 o Ddeddf Addysgu ac Addysg Uwch 1998 (cofrestr a gedwir gan Gyngor Addysgu Cyffredinol Cymru) (**1**) y caiff person wasanaethu fel pennaeth ysgol.

Penaethiaid dros dro

6. Nid yw person sy'n cyflawni swyddogaethau pennaeth ysgol -

(a) hyd nes y penodir pennaeth, neu

(b) yn ystod absenoldeb pennaeth,

yn gwasanaethu fel pennaeth yr ysgol at ddibenion y Rheoliadau hyn.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**2**).

26 Ebrill 2005

Llywydd y Cynulliad Cenedlaethol

(1) 1998 p.30.

(2) 1998 p.38.

Requirement to be registered

5. A person may serve as the head teacher of a school only if he or she is registered under section 3 of the Teaching and Higher Education Act 1998, (register maintained by the General Teaching Council for Wales)(**1**).

Acting head teachers

6. A person carrying out the functions of the head teacher of a school -

(a) pending the appointment of a head teacher, or

(b) in the absence of a head teacher,

is not serving as the head teacher of the school for the purposes of these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**).

26 April 2005

D. Elis-Thomas

The Presiding Officer of the National Assembly

(1) 1998 c.30.

(2) 1998 c.38.

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