
WELSH STATUTORY INSTRUMENTS

2006 No. 873

The Staffing of Maintained Schools (Wales) Regulations 2006

PART 1

General

Interpretation

3.—(1) In these Regulations—

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998;

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002;

“authority” (“*awdurdod*”) means the local education authority by which a maintained school is, or a proposed school is to be, maintained;

“dismissal” (“*diswyddo*”) is to be interpreted in accordance with sections 95 and 136 of the Employment Rights Act 1996(1);

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

“support staff” (“*staff cymorth*”) means any member of a school’s staff other than a teacher;

“teacher” (“*athro neu athrawes*”) means a person who is a school teacher for the purposes of section 122 of the 2002 Act and includes a person who would be regarded as a teacher but for the fact the other party to the contract is not an authority or a governing body of a school falling within Part 3 of these Regulations.

(2) References to a vacancy in any post include a prospective vacancy in the post and references to a person’s absence are to his or her absence, or prospective absence, from the school.

(3) A person is to be treated as meeting any staff qualification requirements if he or she—

(a) fulfils any requirements with respect to qualifications or registration which apply to him or her as a result of regulations made under sections 132 to 135 of the 2002 Act(2), regulations made under section 19 of the Teaching and Higher Education Act 1998(3) and regulations made under section 218(1)(a) of the Education Reform Act 1988(4),

(b) meets any conditions with respect to health and physical capacity which apply to him or her as a result of the Education (Health Standards) (Wales) Regulations 2004(5), and

(1) 1996 c. 18.

(2) The Education (School Teachers' Qualifications) (Wales) Regulations 2004, S.I.2004/1729 (W.173) and The Education (Specified Work and Registration) (Wales) Regulations 2004, S.I. 2004/1744 (W.183) and the Head Teachers' Qualifications and Registration (Wales) Regulations 2005, S.I. 2005/1227 (W.85).

(3) 1998 c. 30; the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003, S.I. 2003/543 (W.77) as amended by S.I. 2004/872 (W.87), S.I. 2004/1745 (W.184) and revoked by S.I. 2005, S.I. 2005/1818 (W.146).

(4) 1988 c. 40; section 218(1)(a) is repealed by sections 146 and 215(2) of, and Part 3 of Schedule 22 to, the 2002 Act, but which are not yet in force. See regulations 11 to 14 of The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999, S.I. 1999/2817 (W.18).

(5) S.I. 2004/2733 (W.240).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) is not subject to any direction made under section 142 of the 2002 Act, that he or she may not carry out work to which that section applies.
- (4) References to support staff include staff engaged to provide community facilities and services under section 27 of the 2002 Act.