WELSH STATUTORY INSTRUMENTS

2010 No. 2710 (W.227)

EDUCATION, WALES

The Education (Specified Work and Registration) (Wales) Regulations 2010

Made - - - -	*9 November 2010*
Laid before the National Assembly for Wales - -	*10 November 2010*
Coming into force - -	*1 December 2010*

The Welsh Ministers in exercise of the powers conferred on them by sections 133, 134, 145 and 210(7) of the Education Act 2002(**1**) and now vested in them, make the following Regulations:

Name, commencement and application

1. These Regulations are called the Education (Specified Work and Registration) (Wales) Regulations 2010 and come into force on 1 December 2010.

2. These Regulations apply in relation to Wales.

Revocations, savings and transitional provisions

3.—(1) Subject to paragraph (2) the Regulations mentioned in Part 1 of Schedule 1 are revoked.

(2) The savings and transitional provisions mentioned in Part 2 of Schedule 1 have effect.

Interpretation

4. In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Employment Rights Act 1996(**2**);

"the 1998 Act" ("*Deddf 1998*") means the Teaching and Higher Education Act 1998(**3**);

"the 1959 Regulations" ("*Rheoliadau 1959*") means the Schools Regulations 1959(**4**);

"the 1982 Regulations" ("*Rheoliadau 1982*") means the Education (Teachers) Regulations 1982(**5**);

(**1**) 2002 c. 32. "Regulations" means regulations made by the Welsh Ministers (*see* section 212(1)).
(**2**) 1996 c. 18. Part VIII was substituted by Part 1 of Schedule 4 to the Employment Relations Act 1999 (c. 26).
(**3**) 1998 c. 30.
(**4**) S.I. 1959/364 as amended by S.I. 1968/1281, 1969/1777, 1971/342, 1973/2021 and 1978/1144.
(**5**) S.I. 1982/106 as amended by S.I. 1988/542 and 1989/329.

"the 1989 Regulations" ("*Rheoliadau 1989*") means the Education (Teachers) Regulations 1989(**6**);

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Further Education Teachers' Qualifications (Wales) Regulations 2002(**7**); and

"the 2004 Regulations" ("*Rheoliadau 2004*") means the Education (School Teachers' Qualifications) (Wales) Regulations 2004(**8**).

Requirement to be qualified

5. No person may carry out work specified in regulation 7 in a school unless they—

(a) are a qualified teacher; or

(b) satisfy the requirements specified in at least one of the paragraphs of Schedule 2.

Extension of specified period

6. Where any person is permitted to carry out work specified in regulation 7 for a specified period by virtue of any of the provisions of Schedule 2, that period will be extended by a period equal to the aggregate of any period or periods during which the person concerned is absent from work–

(a) in exercise of that person's—

(i) right to maternity leave conferred by section 71 or 73 of the 1996 Act(**9**) or a contract of employment and has the right to return to work by virtue of either of these sections or a contract of employment;

(ii) right to parental leave conferred by section 76 of the 1996 Act;

(iii) right to paternity leave conferred by section 80A, 80AA, 80B or 80BB of the 1996 Act(**10**); or

(iv) right to adoption leave conferred by section 75A or 75B of the 1996 Act(**11**); or

(b) because of pregnancy.

Specified work

7.—(1) Each of the following activities is specified work for the purposes of these Regulations—

(a) planning and preparing lessons and courses for pupils;

(b) delivering lessons to pupils;

(c) assessing the development, progress and attainment of pupils; and

(d) reporting on the development, progress and attainment of pupils.

(2) In paragraph (1)(b) "delivering" includes delivery via distance learning or computer aided techniques.

(**6**) S.I. 1989/1319 as amended by S.I. 1989/1541, 1990/1561, 1991/1134, 1991/1840, 1991/2240 and 1992/1809.
(**7**) S.I. 2002/1663 as amended by S.I. 2003/1717 and S.I. 2004/1745.
(**8**) S.I. 2004/1729 as amended by S.I. 2007/2811 and 2008/215.
(**9**) Section 71 was amended by paragraph 31, and section 73 by paragraph 32, of Schedule 1 to the Work and Families Act 2006 (c. 18) and both sections were amended by section 17 of the Employment Act 2002 (c. 22).
(**10**) Sections 80A and 80B were inserted by section 1 of the Employment Act 2002 c. 22, and sections 80AA and 80BB (which have not, at the time of making these Regulations, been commenced) were inserted by sections 3 and 4 respectively of the Work and Families Act 2006 c. 18.
(**11**) Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 c. 22. Section 75A was amended by paragraph 33 of Schedule 1 to the Work and Families Act 2006. c 18. Section 75B was amended by paragraph 34 of Schedule 1 to the Work and Families Act 2006 c. 18.

Requirement to be registered

8. Qualified teachers may carry out work specified in regulation 7 in a school only if they are registered under section 3 of the 1998 Act (register maintained by the General Teaching Council)(**12**).

Leighton Andrews
Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

9 November 2010

(**12**) The Regulations currently in force under this provision are the General Teaching Council for Wales (Functions) Regulations 2000, S.I. 2000/1979 (W. 140) as amended by S.I. 2001/2496 (W. 200), S.I. 2004/1741 (W. 180), S.I. 2006/1343 (W. 133) and S.I. 2009/1353 (W. 129).