WELSH STATUTORY INSTRUMENTS

2009 No. 1353 (W.129)

EDUCATION, WALES

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2009

Made - - - -	*2 June 2009*
Laid before the National Assembly for Wales - -	*4 June 2009*

Coming into force in accordance with regulation 1(2)

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 3(3D), 4(2), 14(3) and 42(6) and (7) of the Teaching and Higher Education Act 1998(**1**) and now vested in them(**2**), and having consulted the General Teaching Council for Wales in accordance with section 42(9) of the Teaching and Higher Education Act 1998, make the following Regulations:

Title and commencement

1.—(1) The title of these Regulations is the General Teaching Council for Wales (Functions) (Amendment) Regulations 2009.

(2) These Regulations come into force on 1 July 2009 save for regulation 2(6)(b) which comes into force on 12 October 2009 and regulation 2(5)(b) and (6)(d) which comes into force on 26 July 2010.

Amendment of the General Teaching Council for Wales (Functions) Regulations 2000

2.—(1) The General Teaching Council for Wales (Functions) Regulations 2000(**3**) are amended as follows.

(2) In regulation 2 insert in the appropriate place the following definition —

(**1**) 1998 c. 30. Sections 2 to 7 apply in relation to the General Teaching Council for Wales by virtue of section 9. Section 3(3D) was inserted by paragraph 3(5) of Schedule 12 to the Education Act 2002 (c. 32). For the meaning of "prescribed" and "regulations" *see* section 43(1).

(**2**) The Secretary of State's functions were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 211 of the Education Act 2002 (c. 32) and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**3**) S.I. 2000/1979 (W.140) as amended by S.I. 2001/2496 (W.200), S.I. 2004/1741 (W.180), S.I. 2005/69 (W.7) and S.I. 2006/1343 (W.133).

""An Chomhairle Mhúinteoireachta or the Teaching Council" means the Teaching Council established under section 5 of the Teaching Council Act, 2001(**4**) (which body has functions corresponding to those of the Council in relation to the Republic of Ireland);".

(3) Omit regulation 4A.

(4) After regulation 18, insert the following regulation —

"**Supply of Information to An Chomhairle Mhúinteoireachta or the Teaching Council**

18A.—(1) The Council must on request supply the information set out in Schedule 2 in relation to—

(a) a registered teacher; or

(b) an unregistered person about whom they maintain records in accordance with an order under section 7(1) and (4) of the 1998 Act,

to An Chomhairle Mhúinteoireachta or the Teaching Council(**5**).

(2) where information is supplied under paragraph (1), a condition must be imposed requiring An Chomhairle Mhúinteoireachta or the Teaching Council not to disclose that information to any person other than the teacher or other person to whom the information relates".

(5) In Schedule 1 —

(a) after paragraph 22B insert the following —

"**22C.** The terms of any restriction for the time being in force in relation to the teacher as a result of any disciplinary action taken by the General Teaching Council for Northern Ireland.

22D. The terms of any restriction for the time being in force in relation to the teacher as a result of any disciplinary action taken by An Chomhairle Mhúinteoireachta or the Teaching Council.";

(b) after paragraph 24 add the following —

"**25.** Whether the teacher is subject to monitoring in accordance with section 24 of the Safeguarding Vulnerable Groups Act 2006(**6**), and if not, whether the Secretary of State has ceased monitoring in accordance with section 26 of that Act.".

(6) In Schedule 2 —

(a) in paragraph 11A after "Scotland" insert ", An Chomhairle Mhúinteoireachta or the Teaching Council,";

(b) after paragraph 12 insert the following —

"**12A.** If the person has been barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006), a statement of that fact.";

(c) after paragraph 13B insert the following —

"**13C.** The terms of any restriction or particulars of any prohibition for the time being in force in relation to the teacher as a result of any disciplinary action taken by the General Teaching Council for Northern Ireland.

(**4**) Number 8 of 2001.
(**5**) An Chomhairle Mhúinteoireachta or the Teaching Council, is established under section 5 of the Teaching Council Act, 2001, and has functions corresponding to those of the Council in relation to the Republic of Ireland.
(**6**) 2006 c. 47.