WELSH STATUTORY INSTRUMENTS

2007 No. 947 (W.81)

EDUCATION, WALES

The Independent Schools (Miscellaneous Amendments) (Wales) Regulations 2007

Made - - - -	*20 March 2007*
Coming into force - -	*29 March 2007*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 157(1), 160(1), 168 and 210(7)(**1**) of the Education Act 2002 hereby makes the following Order:

Title and commencement

1. The title of these Regulations is the Independent Schools (Miscellaneous Amendments) (Wales) Regulations 2007 and they come in force on 29 March 2007.

Amendment of the Independent Schools (Provision of Information) (Wales) Regulations 2003

2.—(1) The Independent Schools (Provision of Information) (Wales) Regulations 2003(**2**) are amended as follows.

(2) In regulation 2(1), the following are inserted at the appropriate alphabetical places —

""appropriate criminal record certificate", in relation to a person employed at a school, means —

(i) where the person holds at the school a position mentioned in regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002(**3**), an enhanced criminal record certificate issued under section 113B of the Police Act 1997(**4**); or

(ii) where the person does not hold such a position, a criminal record certificate issued under section 113A of the Police Act 1997(**5**);

(**1**) 2002 c. 32. For the definitions of "prescribed" and "regulations", see section 212(1) of the Education Act 2002.
(**2**) S.I.2003/3230 (W. 310).
(**3**) S.I. 2002/233. Regulation 5A was inserted by S.I. 2006/748 and has been amended by S.I. 2006/2181.
(**4**) 1997 c. 50. Section 113B was inserted by the Serious Organised Crime and Police Act 2005 (c. 15).
(**5**) Section 113A was inserted by the Serious Organised Crime and Police Act 2005.

provided that, in both cases, where the person holds a position mentioned in section 113C(5) of the Police Act 1997(**6**), the certificate also contains the information specified in section 113C(1) of that Act"; and

""looked after by a local authority" has the meaning assigned to it by section 22(1) of the Children Act 1989".

(3) In regulation 3(d), the following is inserted after the word "proprietor" —

"or by a person authorised by the proprietor to give the certificate on the proprietor's behalf".

(4) At the end of paragraph 2(2)(b) of the Schedule, the following is inserted —

"and (subject to sub-paragraph (5) below) for each member of the corporation, firm or body, his or her full name, any previous names by which he or she has been known, his or her usual residential address and date of birth."

(5) At the end of paragraph 2 of the Schedule, the following sub-paragraph is inserted —

"(5) For the purposes of this paragraph, where the proprietor is a corporation which is a company limited by shares (within the meaning of the Companies Act 1985), a person is not to be treated as a member of the corporation unless he or she holds at least 5% of the company's share capital."

(6) After paragraph 5 of the Schedule, the following paragraph is inserted —

"**5A.** The number of pupils at the school who are looked after by a local authority."

(7) For paragraph 7(d) of the Schedule, there is substituted —

"where the person is a person in respect of whom the Secretary of State must issue a criminal record certificate under section 113A of the Police Act 1997 in response to a duly made application for such a certificate, confirmation that an appropriate criminal record certificate in respect of the person is available to the proprietor."

(8) At the end of paragraph 10(c) of the Schedule, there is inserted —

"(except that no information as regards qualifications is required in the case of a teacher who has ceased employment)".

(9) For paragraph 10(d) of the Schedule, there is substituted —

"in the case of a person who has commenced employment, where he or she is a person in respect of whom the Secretary of State must issue a criminal record certificate under section 113A of the Police Act 1997 in response to a duly made application for such a certificate, confirmation that paragraph 4(bb) of the Schedule to the Independent School Standards (Wales) Regulations 2003 (criminal record certificate to be made available prior to appointment) was complied with prior to the person's appointment."

(10) After paragraph 13 of the Schedule, the following paragraph is inserted —

"**14.** Where a change has occurred in the membership of any corporation, Scottish firm or body of persons named as the proprietor in the register, in respect of any new member who is treated as a member for the purposes of paragraph 2 of this Schedule, the information specified in sub-paragraph (2) of that paragraph."

Amendment of the Independent School Standards (Wales) Regulations 2003

3.—(1) The Independent School Standards (Wales) Regulations 2003(**7**) are amended as follows.

(2) In regulation 2, at the appropriate alphabetical places, there are inserted the following —

(**6**) Section 113C was inserted by the Serious Organised Crime and Police Act 2005.
(**7**) S.I. 2003/3234 (W. 314), amended by S.I. 2005/2929.