WELSH STATUTORY INSTRUMENTS

2006 No. 1343 (W.133)

EDUCATION, WALES

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2006

Made - - - -	*16 May 2006*
Coming into force - -	*31 May 2006*

In exercise of the powers conferred on the Secretary of State by sections 3(3D) 4(2)(ba) and (d), 4A, 14(3) and 42(6) and (7) of the Teaching and Higher Education Act 1998(**1**) and now vested in the National Assembly for Wales(**2**), and having consulted the General Teaching Council for Wales in accordance with section 42(9) of the Teaching and Higher Education Act 1998, the National Assembly for Wales makes the following Regulations:

Name and commencement

1. These Regulations are called the General Teaching Council for Wales (Functions) (Amendment) Regulations 2006 and come into force on 31 May 2006.

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

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

(a) in regulation 2, for the definition of "appropriate body"substitute the following–

> ""appropriate body" ("*corff priodol*") has the same meaning as in the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005(**4**);";

(b) after regulation 4 insert the following regulations–

(**1**) 1998 c. 30. Sections 2 to 7 apply in relation to the General Teaching Council for Wales by virtue of section 9. Sections 3(3D), 4 (2)(ba) and 4A were inserted by paragraphs 3(5), 4(2) and 5 respectively of Schedule 12 to the Education Act 2002 (c. 32). Section 4(3) was amended by paragraph 77 of Schedule 21 to the Education Act 2002 (c. 32). For the meaning of "prescribed" and "regulations" see section 43(1).

(**2**) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 211 of the Education Act 2002 (c. 32).

(**3**) S.I. 2000/1979 (W.140) as amended by SI2001/2496 (W.200)S.I. 2004/1741 and S.I. 2005/69.

(**4**) S.I. 2005/1818 (W.146).

"**Suitability to be a teacher**

4A.—(1) Any person in respect of whom the General Teaching Council for England have refused an application for registration on the ground that they were not satisfied as to his or her suitability to be a teacher under section 3(3B) of the 1998 Act(**5**)must not be taken to be suitable to be a teacher by the Council.

(2) Any person whom the General Teaching Council for England have registered and in respect of whom they were, at the time of registration, satisfied as to his or her suitability to be a teacher under section 3(3B) of the 1998 Act must be taken to be suitable to be a teacher by the Council.

Notice of decision

4B.—(1) The Council must serve on an applicant for registration notice of its decision to grant or refuse the application.

(2) In the case of a refusal to register, the notice served under paragraph (1) must specify the grounds on which the decision was taken, and where the refusal was on the ground that the Council were not satisfied of the applicant's suitability to be a teacher it must notify the applicant of his or her right to appeal to the High Court against the decision made, and the time period for making such an appeal.

Appeals

4C. Any person aggrieved by a decision to refuse an application for registration which was made in relation to him or her on the ground that the Council were not satisfied of the applicant's suitability to be a teacher has the right to appeal against the decision to the High Court within 28 days from the date on which notice of the decision is served on him or her.

Service of Notices

4D.—(1) A notice required to be served on a person under regulation 4B may be–

(i) delivered to that person personally; or

(ii) sent to that person by post to the address notified by the person to the Council; or

(iii) where that person requests in writing that documents be served on him or her by such method, sent to him or her by facsimile or electronic mail or similar means which are capable of producing a document containing the text of the communication, in which case the document is to be regarded as sent when it is received by that person in a legible form.

(2) For the purposes of regulation 4C notice of the Council's decision is to be taken to have been served on the person in relation to whom it was made–

(i) where it was delivered to that person personally, on the day of delivery;

(ii) where it was sent to that person to the address notified by the person to the Council by a postal service which seeks to deliver

(**5**) Section 3(3B) of the 1998 Act was inserted by paragraph 3(5) of the Education Act 2002 (c. 32).