WELSH STATUTORY INSTRUMENTS

2004 No. 1744 (W.183)

EDUCATION, WALES

The Education (Specified Work and Registration) (Wales) Regulations 2004

Made - - - -	*6 July 2004*
Coming into force - -	*1 September 2004*

The National Assembly for Wales in exercise of the powers conferred on it by sections 133, 134, 145 and 210(7) of the Education Act 2002(**1**) hereby makes the following Regulations:

Name, commencement and application

1. These Regulations are called the Education (Specified Work and Registration) (Wales) Regulations 2004 and come into force on 1 September 2004.

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 to the extent specified in that Schedule.

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

Interpretation

4. In these Regulations —

"the 1998 Act" ("*Deddf 1998*") means the Teaching and Higher Education Act 1998(**2**);

"the 1959 Regulations" ("*Rheoliadau 1959*") means the Schools Regulations 1959(**3**);

"the 1982 Regulations" ("*Rheoliadau 1982*") means the Education (Teachers) Regulations 1982(**4**);

"the 1989 Regulations" ("*Rheoliadau 1989*") means the Education (Teachers) Regulations 1989(**5**);

(**1**) 2002 c. 32. "Regulations" means regulations made by the National Assembly for Wales (see section 212(1)).
(**2**) 1998 c. 30.
(**3**) S.I. 1959/364 as amended by S.I. 1968/1281, 1969/1777, 1971/342, 1973/2021 and 1978/1144.
(**4**) S.I. 1982/106 as amended by S.I. 1988/542 and 1989/329.
(**5**) S.I. 1989/1319 as amended by S.I. 1989/1541, 1990/1561, 1991/1134, 1991/1840, 1991/2240 and 1992/1809.

"the 1993 Regulations" ("*Rheoliadau 1993*") means the Education (Teachers) Regulations 1993(**6**);

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999(**7**); and

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales.

Requirement to be qualified

5. No persons may carry out work specified in regulation 6 in a school unless they —

(a) are qualified teachers, or

(b) satisfy the requirements specified in Schedule 2.

Specified work

6.—(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.

Requirement to be registered

7. Qualified teachers may carry out work specified in regulation 6 in a school only if they are registered under section 3 of the 1998 Act (register maintained by the General Teaching Council)(**8**).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**9**).

D. Elis-Thomas
The Presiding Officer of the National Assembly

6 July 2004

(**6**) S.I. 1993/543 as amended by S.I. 1997/368, 1997/2679 and 1998/1584.
(**7**) S.I. 1999/2817 (W. 18) as amended by S.I 2002/1663 (W. 158), 2002/2938 (W. 279), 2003/140 (W.12), 2003/2458 (W. 240) and revoked in part by S.I. 2004/1729 (W.173).
(**8**) 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) and S.I. 2004/1741 (W.180).
(**9**) 1998 c. 38.

SCHEDULE 1 Regulation 3

PART 1

REVOCATIONS

Regulations Revoked	*Reference*	*Extent of Revocation*
The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999	S.I.1999/2817 (W.18)	Paragraphs 4, 6 and 7 of Part II of Schedule 1; Schedule 2
The Teachers (Compulsory Registration) (Wales) Regulations 2000	S.I. 2000/3122 (W.200)	The whole Regulations

PART 2

SAVINGS AND GENERAL TRANSITIONAL PROVISIONS

Probation decisions by the National Assembly

1.—(1) In the case of persons who, on 1st September 1992, had commenced but not completed a period of probation under regulation 14 of, and Schedule 6 to, the 1989 Regulations, regulation 14 and Schedule 6 are to continue to have effect until all their provisions have been complied with.

(2) Teachers who —

(a) have been determined to be unsuitable for further employment as qualified teachers pursuant to paragraph 2(c) of Schedule 2 to the 1959 Regulations; or

(b) have received written notice under paragraph 5(2) of Schedule 6 to the 1982 Regulations,

are not to carry out work specified in regulation 6 in a school without the consent of the National Assembly.

Licensed, overseas trained and registered teachers

2.—(1) The 1993 Regulations are to continue to apply as if the Education (Teachers) (Amendment) (No. 2) Regulations 1997(**10**), the 1999 Regulations, the Education (School Teachers' Qualifications) (Wales) Regulations 2004(**11**) and these Regulations had not been made for the purposes of —

(a) permitting the employment as teachers at a school of unqualified teachers who were licensed teachers or overseas trained teachers as therein defined on 30th November 1997, and duties imposed on persons in connection therewith are to continue to apply; and

(b) determining whether persons, who on or at any time before 30th November 1997 were licensed teachers, overseas trained teachers or registered teachers as therein defined, are qualified teachers.

(2) Persons who are employed at a school by virtue of paragraph (1)(a) may carry out work specified in regulation 6 in a school until they cease to be so employed.

(**10**) S.I. 1997/2679.
(**11**) S.I. 2004/1729 (W 173).