WELSH STATUTORY INSTRUMENTS

2004 No. 1729 (W.173)

EDUCATION, WALES

The Education (School Teachers' Qualifications) (Wales) Regulations 2004

Made - - - -	*6th July 2004*
Coming into force	
for the purposes of regulations 1,2,3 and 8	*the day after the day on which these Regulations are made*
for all other purposes	*1st September 2004*

The National Assembly for Wales in exercise of the powers conferred on it by sections 132, 145 and 210(7) of the Education Act 2002(**1**), and having consulted the General Teaching Council for Wales in accordance with section 132(4), hereby makes the following Regulations:

Name, commencement and application

1. These Regulations are called the Education (School Teachers' Qualifications) (Wales) Regulations 2004 and come into force for the purposes of this regulation and regulations 2, 3 and 8 on the day after the day on which these Regulations are made and for all other purposes on 1st September 2004.

2. These Regulations apply in relation to Wales.

Interpretation

3.—(1) In these Regulations —

"the 1959 Regulations" ("*Rheoliadau 1959*") means the Schools Regulations 1959(**2**);

"the 1982 Regulations" ("*Rheoliadau 1982*") means the Education (Teachers) Regulations 1982(**3**);

(**1**) 2002 c. 32. "Regulations" means regulations made by the National Assembly for Wales (*see* section 212(1)).
(**2**) S.I. 1959/364 as amended by S.I. 1968/1281, 1969/1777, 1971/342, 1973/2021 and 1978/1144.
(**3**) 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(**4**);

"the 1993 Regulations" ("*Rheoliadau 1993*") means the Education (Teachers) Regulations 1993(**5**);

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999(**6**);

"accredited institution" ("*sefydliad achrededig*") means an institution accredited by the Higher Education Funding Council for Wales under regulation 7;

"city college" ("*coleg dinasol*") means a city technology college or a city college for the technology of the arts;

"competent person" ("*person cymwys*") means in a case where the recommending body is an accredited institution, that institution, and in any other case it means the person approved by the National Assembly;

"the Council" ("*y Cyngor*") means the General Teaching Council for Wales;

"employment" ("*cyflogaeth*") means employment under a contract of employment or the engagement of a person to provide *s*ervices otherwise than under a contract of employment and references to being employed are to be construed accordingly;

"employment-based teacher training scheme" ("*cynllun hyfforddi athrawon ar sail cyflogaeth*") means the scheme referred to in regulation 8;

"foreign institution" ("*sefydliad estron*") means any institution other than a United Kingdom institution;

"further education institution" ("*sefydliad addysg bellach*") means an institution which provides further education and is maintained by a local education authority, or is within the further education sector;

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

"school" ("*ysgol*") means a school maintained by a local education authority or a special school not so maintained;

"specified standards" ("*safonau penodedig*") means the standards applying as at the time of assessment specified by the National Assembly as the standards required of persons who seek to become qualified teachers;

"teaching" ("*addysgu*") means carrying out work of a kind which is specified by regulations made under section 133 of the Education Act 2002(**7**) and "to teach" is to be construed accordingly; and

"United Kingdom institution" ("*sefydliad yn y Deyrnas Unedig*") means an institution established in the United Kingdom, other than one which is, or is affiliated to or forms part of, an institution whose principal establishment is outside the United Kingdom, and includes the Council for National Academic Awards.

(2) A reference to an institution without qualification is a reference to a further education institution or an institution within the higher education sector.

(3) Any reference in these Regulations to —

(**4**) S.I. 1989/1319 as amended by S.I. 1989/1541, 1990/1561, 1991/1134, 1991/1840, 1991/2240 and 1992/1809.
(**5**) S.I. 1993/543 as amended by S.I. 1997/368, 1997/2679 and 1998/1584.
(**6**) 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. 2004/1744 (W.183).
(**7**) The regulations in force at the time these Regulations were made were the Education (Specified Work and Registration) (Wales) Regulations 2004, S.I. 2004/1744 (W.183).

(a) a numbered Schedule, is a reference to the Schedule bearing that number in these Regulations;

(b) a numbered regulation, is a reference to the regulation bearing that number in these Regulations;

(c) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference appears; and

(d) a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference appears.

Revocations and transitional provisions

4.—(1) The regulations mentioned in Part 1 of Schedule 1 are revoked to the extent specified in that Schedule.

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

Qualified teacher status

5. Subject to regulations 11, 12, 13 and 14 of the 1999 Regulations, persons are qualified teachers if —

(a) they are persons mentioned in paragraphs 2, 3 or 4 of Part 1 of Schedule 2, or

(b) they are persons mentioned in paragraphs 5 to 14 of Part 1 of Schedule 2 and have received written notification from the National Assembly or the Council in accordance with regulation 6.

Notification of qualified teacher status

6.—(1) Persons mentioned in paragraphs 5 to 14 of Schedule 2 must be notified in writing by the National Assembly or the Council that they are qualified teachers.

(2) Subject to paragraphs (3) to (5), persons who receive written notification under paragraph (1) are qualified from such date as the National Assembly or the Council may provide in the notification.

(3) In the case of persons mentioned in paragraphs 9, 10, 12 or 13 of Schedule 2, the National Assembly or the Council must not provide for such persons to be qualified teachers from a date prior to the date on which the assessment referred to in those paragraphs is completed.

(4) In the case of persons mentioned in paragraph 11 of Schedule 2, the National Assembly or the Council must not provide for such persons to be qualified teachers from a date prior to the date on which they completed the period of service as teachers licensed by the States of Guernsey Education Council as specified in the statement of the States of Guernsey Education Council.

(5) In the case of persons mentioned in paragraph 6, 7 or 8 of Schedule 2, the National Assembly or the Council must provide for such persons to be qualified teachers from the date of qualification as school teachers in Scotland or Northern Ireland.

Accredited Institutions

7.—(1) The Higher Education Funding Council for Wales may accredit an institution as a provider of courses or programmes of initial school teacher training.

(2) The Higher Education Funding Council for Wales may only accredit an institution which satisfies such criteria as may from time to time be specified by the National Assembly.

(3) The Higher Education Funding Council for Wales may withdraw the accreditation of an institution in accordance with such criteria as may from time to time be specified by the National Assembly.

(4) Before specifying any criteria under paragraphs (2) and (3) the National Assembly must consult the Higher Education Funding Council for Wales.

Employment-based teacher training scheme

8.—(1) The National Assembly may establish a scheme whereby persons who are or who have been employed in a school or other educational institution except a pupil referral unit may become qualified teachers.

(2) A scheme established under paragraph (1) is to be known as an employment-based teacher training scheme.

(3) Such a scheme may make provision for the programme of training persons must undertake.

(4) Such a scheme may make provision for persons who have successfully completed a programme of professional training for teachers in any country outside the United Kingdom and which is recognised as such a programme of training by the competent authority in that country to be assessed by a competent person to determine whether they meet the specified standards without undertaking further training.

(5) Any person or body exercising a function by virtue of this regulation must have regard to any guidance given from time to time by the National Assembly as to the exercise of that function.

Amendment of the 1999 Regulations

9. In regulations 11, 12 and 13(1) of the 1999 Regulations, substitute for the words "a qualified teacher in accordance with Schedule 3" the words "a qualified teacher in accordance with regulation 5 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**8**)

D. Elis-Thomas
6th July 2004 — The Presiding Officer of the National Assembly

(**8**) 1998 c. 38.

SCHEDULE 1 Regulation 4

PART 1

Revocations

Regulations Revoked	*References*	*Extent of Revocation*
The Education (Teachers' Qualifications and Health Standards)(Wales) Regulations 1999	S.I. 1999/2817 (W. 18)	Regulations 8 to 10, Schedule 1, Part I, Part II, paragraph 5, and Schedule 3
The Education (Teachers' Qualifications and Health Standards)(Wales) (Amendment) Regulations 2002	S.I. 2002/2938 (W. 279)	The whole Regulations
The Education (Teachers' Qualifications and Health Standards) (Amendment) (Wales) Regulations 2003	S.I. 2003/140 (W. 12)	The whole Regulations
The Education (Teachers' Qualifications and Health Standards) (Amendment No.2) (Wales) Regulations 2003	S.I. 2003/2458 (W. 240)	The whole Regulations

PART 2

General Transitional Provisions

Accreditation of institutions providing initial teacher training

1. Any accreditation for the purposes of —

(a) paragraph 3 of Schedule 3 to the 1993 Regulations in force immediately before 1st September 1999; or

(b) paragraph 2 of Schedule 3 to the 1999 Regulations in force immediately before 1st September 2004,

is to have effect as if given for the purposes of regulation 7.

Teachers qualifying under the 1999 Regulations who studied at institutions accredited under the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999

2. Despite the revocation of Schedule 3 to the 1999 Regulations, paragraphs 1 and 2A of that Schedule are to continue to have effect in relation to any persons who come within paragraph 2A of that Schedule until such time as such persons are notified that they are qualified teacher under paragraph 1 of that Schedule or until they cease to study on the course.