WELSH STATUTORY INSTRUMENTS

2003 No. 542 (W.76)

EDUCATION, WALES

The Education (Supply of Information) (Wales) Regulations 2003

Made - - - -	*5th March 2003*
Coming into force - -	*31st March 2003*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 15, 15A and 42(6) and (7) of, and Schedule 2 to, the Teaching and Higher Education Act 1998(**1**) and now vested in the National Assembly for Wales(**2**), and after consulting the General Teaching Council for Wales in accordance with section 42(9) of the Act.

Name, commencement and application

1.—(1) These Regulations are called the Education (Supply of Information) (Wales) Regulations 2003 and shall come into force on 31st March 2003.

(2) These Regulations apply to Wales.

Revocation

2. Regulation 4 of the Education (Restriction of Employment) (Wales) Regulations 2000(**3**) and regulation 28 of the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001(**4**) are revoked.

Interpretation

3. Except where the context otherwise requires, in these Regulations —

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

"agent" ("*asiant*") has the meaning given by section 15A(1) of the 1998 Act;

(**1**) 1998 c. 30. Schedule 2 applies in relation to the Council by virtue of section 9 of the 1998 Act and the General Teaching Council for Wales Order 1998 (S.I.1998/2911). Section 15 is substituted and section 15A is inserted by paragraph 83 of Schedule 21 to the Education Act 2002 (c. 32). For the meaning of prescribed *see* section 43(1) of the 1998 Act.

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

(**3**) S.I. 2000/2906 (W.186).

(**4**) S.I. 2001/1424 (W.99).

"arrangements" ("*arrangements*") means arrangements of the kind referred to in section 15A(1) of the 1998 Act for a worker to carry out work in Wales;

"Committee" ("*Pwyllgor*") means an Investigating Committee, a Professional Competence Committee or a Professional Conduct Committee established under the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001;

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

"Investigating Committee" ("*Pwyllgor Ymchwilio*") means a committee established under regulation 3(1) of the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001;

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

"registered teacher" ("*athro neu athrawes gofrestredig*") means —

(a) a person for the time being registered under section 3 of the 1998 Act;

(b) a person who was registered under section 3 of the 1998 Act at the time of any alleged conduct or offence on his or her part; or

(c) a person who has made an application to be registered under section 3 of the 1998 Act;

"relevant employer" ("*cyflogwr perthnasol*") has the meaning given by section 142 of the Education Act 2002(**5**);

"relevant issue" ("*mater perthnasol*") means an issue which arises where the circumstances of the case, including occasions of conduct other than that in question, are such as to raise an issue concerning the safety and welfare of children;

"services" ("*gwasanaethau*") means services provided to a relevant employer in Wales and includes professional and voluntary services; and

"worker" ("*gweithiwr*") has the meaning given to it by section 15A(1) of the 1998 Act.

Employer's reports

4. Where a relevant employer —

(a) has ceased to use a person's services on a ground —

(i) that the person is unsuitable to work with children;

(ii) relating to the person's misconduct; or

(iii) relating to the person's health where a relevant issue is raised, or

(b) might have ceased to use a person's services on such a ground had the person not ceased to provide those services,

the employer must report the facts of the case and provide all the information listed in Part I of the Schedule that is available to the employer in relation to such person to the National Assembly.

5.—(1) Where a relevant employer —

(a) has ceased to use the services of a person who is a registered teacher on a ground relating to his or her professional incompetence; or

(b) might have ceased to use the services of a person who is a registered teacher on a ground relating to his or her professional incompetence had he or she not ceased to provide those services,

(**5**) 2002 c. 32.