WELSH STATUTORY INSTRUMENTS

2003 No. 503 (W.71)

EDUCATION, WALES

The General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2003

Made - - - -	*4th March 2003*
Coming into force - -	*31st March 2003*

In exercise of the powers conferred on the Secretary of State by section 42(6) of, and paragraph 9 of Schedule 1 and paragraphs 1(4) and 4 of 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 that Act, the National Assembly for Wales makes the following Regulations:

Name and commencement

1. These Regulations are called the General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2003 and shall come into force on 31st March 2003.

2. The General Teaching Council for Wales (Disciplinary Functions) Regulations 2001(**3**) are amended as follows.

3. Regulation 2 is amended by—

(a) inserting after the definition of "the 1998 Act" in paragraph (1) the following—

> ""agent" ("*asiant*") has the meaning given by section 15A of the 1998 Act(**4**);" and

(b) substituting for the words "regulations 8 and 28" in paragraph (5) the words "regulation 8".

4. Regulation 8 is amended by—

(a) inserting the words "Subject to paragraph (1A)" at the beginning of paragraph (1);

(**1**) 1998 c. 30. Section 6 and Schedules 1 and 2 apply in relation to the General Teaching Council for Wales by virtue of sections 8 and 9 of the Teaching and Higher Education Act 1998 and the General Teaching Council for Wales Order 1998 (S.I.1998/2911) with effect from 30th December 1998 in the case of Schedule 1, and 1st September 2000 in the case of the remaining provisions. Paragraph 1(4) of Schedule 2 is amended, and paragraph 4 of Schedule 2 is substituted, by paragraph 86(2) of Schedule 21, and paragraph 12 of Schedule 12, to the Education Act 2002 (c. 32) respectively. 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.

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

(**4**) Section 15A was inserted by paragraph 83 of Schedule 21 to the Education Act 2002 (c. 32).

(b) inserting after paragraph (1) the following paragraph:

"(1A) A Committee dealing with a case against a person who is a member of the Council must include one or more lay members and one or more registered teacher members, but must not include a member of the Council.";

(c) inserting the words "Subject to paragraph (3A)" at the beginning of paragraph (3); and

(d) inserting after paragraph (3) the following paragraph:

"(3A) The quorum for a meeting of a Committee dealing with a case against a person who is a member of the Council shall be three members, including one lay member and one registered teacher member.".

5. Regulation 9 is amended by—

(a) substituting for paragraph (1)(b) the following paragraph—

"(b) the National Assembly or the Secretary of State wishes to consider the case with a view to exercising its or his powers under section 142 of the Education Act 2002(**5**)—

(i) on the grounds that a person is unsuitable to work with children, or

(ii) on grounds relating to a person's misconduct or health,

because the National Assembly or the Secretary of State considers that the case concerns the safety and welfare of persons aged under 18."; and

(b) substituting for the words "regulation 28" in paragraph (2) (b) the words "regulations 5 or 7 of the Education (Supply of Information) (Wales) Regulations 2003(**6**)".

6. Regulation 18 is amended by—

(a) substituting for paragraph (3) the following paragraph—

"(3) A suspension order shall, in addition to the items referred to in paragraph (1), specify—

(a) any conditions to be complied with by the teacher before he or she can become eligible again for registration; and

(b) the period (not exceeding two years) at the end of which the teacher becomes eligible again for registration (subject to any conditions being complied with).";

(b) in paragraph (6), omitting the "and" at the end of sub-paragraph (a)(v) and inserting the following after it—

"(va) where the order is a suspension order which specifies conditions, an explanation of the person's right to apply to vary or revoke a condition specified in the order and the method for making such an application, and"; and

(c) inserting in paragraph (6)(b) after the words "last employer" the words "and, where relevant, agent".

7. After regulation 21 there is inserted the following regulation—

"**Application to vary or set aside a condition in a suspension order**

21A.—(1) A person in relation to whom a suspension order has been made may apply to the Council for variation or revocation of any condition specified in the order.

(**5**) 2002 c. 32.
(**6**) S.I. 2003/542 (W.76).