

2011 No. 2908 (W. 312)

EDUCATION, WALES

The General Teaching Council for
Wales (Disciplinary Functions)
(Amendment) Regulations 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

The General Teaching Council for Wales (Disciplinary Functions) Regulations 2001 make provision about the disciplinary functions of the General Teaching Council for Wales. These Regulations amend the 2001 Regulations by replacing regulation 8 which makes provision about the membership and procedure of the Investigating Committees, Professional Conduct Committees and Professional Competence Committees of the Council. The new regulation 8 provides that a member of the Council cannot be a member of any of those Committees.

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**The General Teaching Council for
Wales (Disciplinary Functions)
(Amendment) Regulations 2011**

Made 2 December 2011

Laid before the National Assembly for Wales

6 December 2011

Coming into force 31 December 2011

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 1 and 42(6) and (7) of, and paragraph 9 of Schedule 1 to, the Teaching and Higher Education Act 1998(1) and now exercisable by them(2), and after consulting the General Teaching Council for Wales in accordance with section 42(9) of that Act:

Title and commencement

1.—(1) The title of these Regulations is the General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2011.

(2) These Regulations come into force on 31 December 2011.

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- (1) 1998 c. 30. The relevant provisions apply in relation to the General Teaching Council for Wales by virtue of sections 8 and 9 of the Act and the General Teaching Council for Wales Order 1998 (S.I. 1998/2911).
- (2) The functions of the Secretary of State were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Amendment of the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001

2.—(1) The General Teaching Council for Wales (Disciplinary Functions) Regulations 2001⁽¹⁾ are amended as follows.

(2) Substitute the following for regulation 8—

“8.—(1) The Council must include on a Committee—

- (a) one or more lay members; and
- (b) one or more registered teacher members.

(2) The quorum for a meeting of a Committee is three members, including one lay member and one registered teacher member.

(3) A person who is a member of the Council must not be appointed as a member of a Committee.

(4) A person who is a member of the Investigating Committee investigating a case must not be appointed as a member of the Professional Conduct Committee or Professional Competence Committee which determine that case.

(5) Subject to paragraphs (1) to (4) and regulations 20 and 22, the Council may make such provision as they see fit as to—

- (a) the membership of a Committee;
- (b) the terms on which a Committee’s members are to hold and vacate office; and
- (c) the procedure of a Committee.

(6) In this regulation—

- (a) “lay member” (“*aelod lleyg*”) means a member of the Committee who is not—
 - (i) a registered teacher, or
 - (ii) employed, or engaged to provide services otherwise than under a contract of employment, as a teacher or been so employed or engaged within the period of 5 years ending with the date of that person’s appointment to the Committee,

and a lay member who becomes a registered teacher or who takes up a

(1) S.I. 2001/1424 (W. 99) as amended by S.I. 2003/503 (W. 71), S.I. 2003/542 (W. 76), section 81(5) of the Policing and Crime Act 2009 (2009 c. 26), S.I. 2009/1354 (W. 130), S.I. 2009/2161 (W. 184) and S.I. 2010/1142 (W. 101).

post or engagement as a teacher ceases to be regarded as a lay member;

(b) “registered teacher member” (*“aelod sy’n athro neu’n athrawes gofrestredig”*) means a member of the Committee who is—

(i) a registered teacher, and

(ii) employed, or engaged to provide services otherwise than under a contract of employment, as a teacher on the date of that person’s appointment to the Committee,

and a registered teacher member who ceases to be a registered teacher or who ceases to hold a post or engagement as a teacher ceases to be regarded as a registered teacher member.”.

Leighton Andrews

Minister for Education and Skills, one of the Welsh Ministers

2 December 2011