

2012 No. 169 (W. 28)

EDUCATION, WALES

**The General Teaching Council for
Wales (Constitution) (Amendment)
Regulations 2012**

EXPLANATORY NOTE

(This note is not part of the Regulations)

The General Teaching Council for Wales (Constitution) Regulations 1999, (“the 1999 Regulations”) provide for the constitution of the General Teaching Council for Wales (“the Council”). These Regulations amend the 1999 Regulations as a consequence of the Education Act 2011 (“the 2011 Act”), which provides for the abolition of the General Teaching Council for England and makes provision in relation to the prohibition of persons from carrying out teaching work.

Regulation 5(2)(a) of the 1999 Regulations is amended to make provision about a person who is subject to a prohibition order made by the Secretary of State under section 141B of the Education Act 2002 (“the 2002 Act”). The amendment makes provision about their eligibility for election as a member of the Council, to be appointed a member under regulations 7, 8 or 11 and to vote in an election for elected members under a scheme made under regulation 6. Section 141B is inserted into the 2002 Act by the 2011 Act.

Regulation 10(5)(a) of the 1999 Regulations is amended so that a provision is added whereby a member of the Council will cease to hold office if that person’s employment is subject to a prohibition order made by the Secretary of State under section 141B of the 2002 Act.

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Made 20 January 2012

Laid before the National Assembly for Wales
26 January 2012

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 1(5) and (7) and 42(6) and (7) of, and paragraph 3 of Schedule 1 to, the Teaching and Higher Education Act 1998⁽¹⁾, and now exercisable by them⁽²⁾, and having consulted 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 (Constitution) (Amendment) Regulations 2012.

(2) These Regulations come into force on the day that section 8 of the Education Act 2011⁽³⁾ comes into force.

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- (1) 1998 c.30.
(2) The Secretary of State's functions 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).
(3) 2011 c. 21.

Amendment of the General Teaching Council for Wales (Constitution) Regulations 1999

2.—(1) The General Teaching Council for Wales (Constitution) Regulations 1999⁽¹⁾ are amended as follows.

(2) In regulation 5(2)(a) for the words “the Education Act 2002 or the person is barred” substitute “the Education Act 2002, the person is barred” and at the end of the regulation add the following words—

“or the person’s employment as a teacher is prohibited under the terms of a prohibition order made by the Secretary of State under section 141B of the Education Act 2002.”.

(3) In regulation 10(5)(a) for the words “the Education Act 2002 or the person is barred” substitute “the Education Act 2002, the person is barred” and at the end of the regulation add the following words—

“or the person’s employment as a teacher is prohibited under the terms of a prohibition order made by the Secretary of State under section 141B of the Education Act 2002.”.

Leighton Andrews

Minister for Education and Skills, one of the Welsh Ministers

20 January 2012

(1) S.I. 1999/1619 as amended by S.I. 1999/3185 (W. 43), S.I. 2003/389 (W. 51), S.I. 2005/3238 (W. 243), S.I. 2007/812 (W. 69), S.I. 2009/1352 (W. 128) and S.I. 2010/1142 (W. 101).