CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2007 Rhif 812 (Cy.69)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Cyfansoddiad) (Diwygio) 2007

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Cyfansoddiad) 1999, fel y'u diwygiwyd, ("Rheoliadau 1999") yn darparu ar gyfer cyfansoddiad Cyngor Addysgu Cyffredinol Cymru ("y Cyngor"). Mae'r Rheoliadau hyn yn diwygio Rheoliadau 1999.

Mae rheoliadau 2(2) a 5 o Reoliadau 1999 wedi'u diwygio fel na fydd person yn gymwys i gael ei ethol i'r Cyngor o dan reoliad 4 nac i gael ei benodi o dan reoliad 11(1)(a), oni bai, yn ogystal â bodloni'r meini prawf presennol ynghylch hyd y cyfnod cyflogaeth fel athro neu athrawes, ei fod yn ystod y cyfnod hwnnw, wedi'i gofrestru gyda'r Cyngor ac wedi'i gyflogi mewn ysgol a gynhelir gan AALl (neu ysgol arbennig nas cynhelir felly). Mae Rheoliadau Addysg (Gwaith Penodedig a Chofrestru) (Cymru) 2004 yn ei gwneud yn ofynnol i athro cymwysedig neu athrawes gymwysedig sy'n gwneud gwaith penodedig (h.y. addysgu) mewn ysgol a gynhelir yng Nghymru fod wedi'i gofrestru neu wedi'i chofrestru gyda'r Cyngor, ac felly effaith y diwygiadau hyn i Reoliadau 1999 yw mai dim ond yr athrawon hynny, yr oedd yn ofynnol iddynt fod wedi'u cofrestru, sy'n gymwys i gael eu hethol neu eu penodi o dan reoliad 4 neu 11(1)(a). Yn rhinwedd rheoliad 7(3) o Reoliadau 1999 mae'r gofyniad newydd hwn yn gymwys hefyd i berson a benodir gan Gynulliad Cenedlaethol Cymru ar ôl cael ei enwebu gan gorff a nodir yn yr Atodlen i Reoliadau 1999.

Mae rheoliad 3 o Reoliadau 1999 wedi'i ddiwygio er mwyn ei gwneud yn glir bod holl aelodau'r Cyngor (p'un a ydynt wedi'u hethol neu wedi'u penodi) i weithredu fel unigolion ac nid fel cynrychiolwyr unrhyw gyrff y maent yn perthyn iddynt neu a'u henwebodd hwy i gael eu penodi.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2007 No. 812 (W.69)

EDUCATION, WALES

The General Teaching Council for Wales (Constitution) (Amendment) Regulations 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

The General Teaching Council for Wales (Constitution) Regulations 1999, as amended, ("the 1999 Regulations") provide for the constitution of the General Teaching Council for Wales ("the Council"). These Regulations amend the 1999 Regulations.

Regulations 2(2) and 5 of the 1999 Regulations are amended so that a person is not eligible for election to the Council under regulation 4 or appointment under regulation 11(1)(a), unless, as well as fulfilling the existing criteria relating to the length of the period of employment as a teacher, he or she was, during that period, registered with the Council and employed in a school maintained by an LEA (or a special school not so maintained). The Education (Specified Work and Registration) (Wales) Regulations 2004 requires a qualified teacher carrying out specified work (i.e. teaching) in a maintained school in Wales to be registered with the Council, so the effect of these amendments to the 1999 Regulations is that it is only those teachers who were required to be registered who are eligible for election or appointment under regulation 4 or 11(1)(a). By virtue of regulation 7(3) of the 1999 Regulations this new requirement also applies to a person appointed by the National Assembly for Wales after nomination by an organisation set out in the Schedule to the 1999 Regulations.

Regulation 3 of the 1999 Regulations is amended so as to make it clear that all Council members (whether elected or appointed) are to act as individuals and not as representatives of any organisations to which they belong or which nominated them for appointment.

Mae rheoliad 4 o Reoliadau 1999 (o'i ddarllen gyda'r diffiniadau newydd sydd wedi'u mewnosod yn rheoliad 2(1) o'r Rheoliadau hynny) wedi'i ddiwygio yn y fath fodd ag i ailenwi'r categori o aelodau etholedig y Cyngor, sydd wedi'i ffurfio o athrawon disgyblion iau, yn athrawon disgyblion oedran ysgol gynradd a'r categori sydd wedi'i ffurfio o athrawon disgyblion hŷn yn athrawon disgyblion oedran ysgol uwchradd. Y cyfan y mae hyn yn ei wneud yw adlewyrchu'r termau sy'n cael eu harfer gan y Cyngor a'r proffesiwn addysgu. Mae rheoliad 4 wedi'i ddiwygio hefyd fel bod y categori o aelodau etholedig a oedd wedi'i ffurfio o benaethiaid neu ddirprwy benaethiaid wedi'i ffurfio bellach o benaethiaid, dirprwy benaethiaid neu benaethiaid cynorthwyol, y mae'n rhaid i un ohonynt ddod o'r sector uwchradd.

Mae rheoliad 6(2) a (3) o Reoliadau 1999 wedi'i ddiwygio fel nad oes angen i gynllun etholiadol o dan reoliad 6 o'r Rheoliadau hynny gael ei gymeradwyo mwyach gan y Cynulliad Cenedlaethol (yr Ysgrifennydd Gwladol cyn hynny).

Mae rheoliad 7 o Reoliadau 1999 wedi'i ddiwygio er mwyn ei gwneud yn glir, pan fo corff a restrir yn yr Atodlen i'r Rheoliadau hynny yn newid ei enw ond yr un corff ydyw o hyd i bob pwrpas, fod y cyfeiriad yn yr Atodlen i'w ddarllen fel cyfeiriad at y corff o dan ei enw newydd.

Mae'r Atodlen i Reoliadau 1999 wedi'i diwygio er mwyn adlewyrchu'r newidiadau a wnaed i enwau'r cyrff sy'n cael eu rhestru ers y tro diwethaf iddi gael ei diweddaru yn 2003.

Regulation 4 of the 1999 Regulations (read with the new definitions inserted in regulation 2(1) of those Regulations) is amended so as to rename the category of elected members of the Council comprising teachers of junior pupils as teachers of pupils of primary school age and the category comprising teachers of senior pupils as teachers of pupils of secondary school age. This simply reflects the terms which are in practice used by the Council and the teaching profession. Regulation 4 is also amended so that the category of elected members which comprised head or deputy head teachers now comprises head, deputy head or assistant head teachers, one of whom must be from the secondary sector.

Regulation 6(2) and (3) of the 1999 Regulations are amended so that an electoral scheme under regulation 6 of those Regulations no longer requires approval of the National Assembly (formerly the Secretary of State).

Regulation 7 of the 1999 Regulations is amended so as to make it clear that, where an organisation listed in the Schedule to those Regulations changes its name but effectively remains the same organisation, the reference in the Schedule is to be read as a reference to the organisation under its new name.

The Schedule to the 1999 Regulations is amended so as to reflect changes made in the names of the organisations listed since it was last updated in 2003.

OFFERYNNAU STATUDOL

2007 Rhif 812 (Cy.69)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Cyfansoddiad) (Diwygio) 2007

Wedi'u gwneud *13 Mawrth 2007]*

Yn dod i rym *14 Mawrth 2007*

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 1(5) a (7) o Ddeddf Addysgu ac Addysg Uwch 1998, a pharagraff 3 o Atodlen 1 iddi(**1**) ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru(**2**), mae Cynulliad Cenedlaethol Cymru drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Cyfansoddiad) (Diwygio) 2007 ac maent yn dod i rym ar 14 Mawrth 2007.

Diwygio Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Cyfansoddiad) 1999

2.-(1) Mae Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Cyfansoddiad) 1999(**3**) wedi'u diwygio fel a ganlyn.

(2) Yn rheoliad 2,

(a) ym mharagraff (1), hepgorer y diffiniadau o "junior pupil" a "senior pupil" ac mewnosoder y diffiniadau newydd canlynol yn y man priodol yn ôl trefn yr wyddor -

(**1**) 1998 p.30; i gael ystyr "prescribed" a "regulations" *gweler* adran 43(1). Mae adran 1(5) a (7) ac Atodlen 1 yn effeithiol mewn perthynas â Chyngor Addysgu Cyffredinol Cymru yn rhinwedd Gorchymyn Cyngor Addysgu Cyffredinol Cymru 1998 (O.S. 1998/2911).

(**2**) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(**3**) O.S. 1999/1619, a ddiwygiwyd gan O.S. 1999/3185 (Cy.43) ac O.S. 2003/389 (Cy.51)

STATUTORY INSTRUMENTS

2007 No. 812 (W.69)

EDUCATION, WALES

The General Teaching Council for Wales (Constitution) (Amendment) Regulations 2007

Made *13 March 2007]*

Coming into force *14 March 2007*

In exercise of the powers conferred on the Secretary of State by section 1 (5) and (7) of, and paragraph 3 of Schedule 1 to, the Teaching and Higher Education Act 1998(**1**), and now vested in the National Assembly for Wales(**2**), the National Assembly for Wales hereby makes the following Regulations:

Title and commencement

1. The title of these Regulations is the General Teaching Council for Wales (Constitution) (Amendment) Regulations 2007 and they come into force on 14 March 2007.

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

2.-(1) The General Teaching Council for Wales (Constitution) Regulations 1999(**3**) are amended as follows.

(2) In regulation 2,

(a) in paragraph (1), omit the definitions of "junior pupil" and "senior pupil" and insert the following new definitions in the appropriate place in alphabetical order -

(**1**) 1998 c.30; for the meaning of "prescribed" and "regulations" *see* section 43(1). Section 1(5) and (7) and Schedule 1 have effect in relation to the General Teaching Council for Wales by virtue of the General Teaching Council for Wales Order 1998 (S.I. 1998/2911).

(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(**3**) S.I. 1999/1619, amended by S.I. 1999/3185 (W.43) and S.I. 2003/389 (W.51)

""assistant head teacher" means a qualified teacher (within the meaning of section 132 of the Education Act 2002(**1**)) with leadership responsibilities across the whole school who is appointed to the post of assistant head teacher;";

""pupils of primary school age" means children who are under the age of 12;";

""pupils of secondary school age" means persons who are aged 12 or over;"; a

(b) ym mharagraff (2), o flaen "and 9", mewnosoder ", 5(1)".

(3) Ailrifer rheoliad 3 yn baragraff (1) o'r rheoliad hwnnw ac mewnosoder ar ôl y paragraff (1) ailrifedig -

"(2) All members are to act as individual members and not as representatives of the organisation, if any, to which they belong, nor, if relevant, as representatives of the organisation which nominated them for the purposes of regulation 7 nor as representatives of the Assembly."

(4) Yn rheoliad 4,

(a) ym mharagraff (a) yn lle "junior pupils" rhodder "pupils of primary school age";

(b) ym mharagraff (b) yn lle "senior pupils" rhodder "pupils of secondary school age"; ac

(c) yn lle paragraff (c) rhodder -

"(c) four head teachers, deputy head teachers or assistant head teachers (in any combination), one of whom must be a head teacher, deputy head teacher or assistant head teacher at a secondary school (within the meaning of section 5(2) of the 1996 Act).".

(5) Yn rheoliad 5,

(a) ym mharagraff (1) mewnosoder ar ôl y geiriau "as a teacher" (yn is-baragraffau (a) a (b)) y geiriau "in a school"; a

(b) ar ôl paragraff (1) mewnosoder y canlynol -

"(1A) In paragraph (1) "school" means a school maintained by a local education authority or a special school not so maintained." .

(6) Yn rheoliad 6(2) a (3), hepgorer y geiriau "with the approval of the Secretary of State".

(7) Yn rheoliad 7, yn lle paragraff (4) rhodder-

"(4) Where an organisation set out in the Schedule changes its name, but its objects are not materially changed, the reference to the organisation in the Schedule is to be read as a reference to the organisation under its new name.".

(**1**) 2002 p.32.

""assistant head teacher" means a qualified teacher (within the meaning of section 132 of the Education Act 2002(**1**)) with leadership responsibilities across the whole school who is appointed to the post of assistant head teacher;";

""pupils of primary school age" means children who are under the age of 12;";

""pupils of secondary school age" means persons who are aged 12 or over;"; and

(b) in paragraph (2), before "and 9", insert ", 5(1)".

(3) Renumber regulation 3 as paragraph (1) of that regulation and insert after paragraph (1) as renumbered -

"(2) All members are to act as individual members and not as representatives of the organisation, if any, to which they belong, nor, if relevant, as representatives of the organisation which nominated them for the purposes of regulation 7 nor as representatives of the Assembly."

(4) In regulation 4,

(a) in paragraph (a) for "junior pupils" substitute "pupils of primary school age";

(b) in paragraph (b) for "senior pupils" substitute "pupils of secondary school age"; and

(c) for paragraph (c) substitute -

"(c) four head teachers, deputy head teachers or assistant head teachers (in any combination), one of whom must be a head teacher, deputy head teacher or assistant head teacher at a secondary school (within the meaning of section 5(2) of the 1996 Act).".

(5) In regulation 5,

(a) in paragraph (1) insert after "as a teacher" (in sub-paragraphs (a) and (b)) "in a school"; and

(b) after paragraph (1) insert the following -

"(1A) In paragraph (1) "school" means a school maintained by a local education authority or a special school not so maintained.".

(6) In regulation 6(2) and (3), omit the words "with the approval of the Secretary of State".

(7) In regulation 7, for paragraph (4) substitute -

"(4) Where an organisation set out in the Schedule changes its name, but its objects are not materially changed, the reference to the organisation in the Schedule is to be read as a reference to the organisation under its new name.".

(**1**) 2002 c.32.

(8) Yn yr Atodlen -

(a) yn Rhan Un, yn lle "Secondary Heads Association in Wales" rhodder "Association of School and College Leaders" ac yn lle "NATFHE - The University and College Lecturers' Union" rhodder "University and College Union"; a

(b) yn Rhan Dau, yn lle "Fforwm Ltd" rhodder "Fforwm" a hepgorer "Further Education National Training Organisation".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**1**).

13 Mawrth 2007

Llywydd y Cynulliad Cenedlaethol

(**1**) 1998 p.38.

(8) In the Schedule -

(a) in Part One, for "Secondary Heads Association in Wales" substitute "Association of School and College Leaders" and for "NATFHE - The University and College Lecturers' Union" substitute "University and College Union"; and

(b) in Part Two for "Fforwm Ltd" substitute "Fforwm" and omit "Further Education National Training Organisation".

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

13 Mawrth 2007

D. Elis-Thomas

The Presiding Officer of the National Assembly

(**1**) 1998 c.38.

OFFERYNNAU STATUDOL

2007 Rhif 812 (Cy.69)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Cyfansoddiad) (Diwygio) 2007

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2007 No. 812 (W.69)

EDUCATION, WALES

The General Teaching Council for Wales (Constitution) (Amendment) Regulations 2007

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