OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1354 (Cy.130)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2009

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) 2001 ("Rheoliadau 2001") o ganlyniad i ddwyn i rym ddarpariaethau Deddf Diogelu Grwpiau Hyglwyf 2006.

Mae Rheoliadau 2001 yn gwneud darpariaeth ynghylch swyddogaethau disgyblu Cyngor Addysgu Cyffredinol Cymru.

Caiff rheoliad 9 o Reoliadau 2001 ei ddiwygio fel bod swyddogaethau Pwyllgor Ymchwilio sy'n perthyn i Gyngor Addysgu Cyffredinol Cymru yn cael eu heithrio os bydd y Bwrdd Gwahardd Annibynnol wedi cynnwys yr athro neu'r athrawes, neu'n dymuno ystyried ei gynnwys neu ei chynnwys, yn y rhestr o bersonau wedi eu gwahardd a gedwir o dan Ddeddf Diogelu Grwpiau Hyglwyf 2006.

Mewnosodir rheoliad 18A newydd sy'n ei gwneud yn ofynnol i'r Cyngor, os gofynnir iddo wneud hynny, roi gwybod i'r Ysgrifennydd Gwladol pan fydd y Cyngor yn gwneud gorchymyn gwahardd yn erbyn athro neu athrawes ar sail ymddygiad proffesiynol annerbyniol neu ar sail ei gollfarnu neu ei chollfarnu am dramgwydd perthnasol. Efallai y bydd angen yr wybodaeth hon mewn cysylltiad â swyddogaethau'r Ysgrifennydd Gwladol mewn perthynas â phensiynau athrawon.

WELSH STATUTORY INSTRUMENTS

2009 No. 1354 (W.130)

EDUCATION, WALES

The General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001 ("the 2001 Regulations") as a consequence of the coming into force of provisions of the Safeguarding Vulnerable Groups Act 2006.

The 2001 Regulations make provision about the disciplinary functions of the General Teaching Council for Wales.

Regulation 9 of the 2001 Regulations is amended so that the functions of an Investigating Committee of the General Teaching Council for Wales are excluded if the Independent Barring Board have included or want to consider including the teacher in the barred lists maintained under the Safeguarding Vulnerable Groups Act 2006.

A new regulation 18A is inserted requiring the Council, if requested, to inform the Secretary of State when they make a prohibition order against a teacher on the grounds of unacceptable professional conduct or conviction for a relevant offence. This information may be required in connection with the Secretary of State's functions in relation to teachers' pensions.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1354 (Cy.130)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2009

Gwnaed	*2 Mehefin 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*4 Mehefin 2009*
Yn dod i rym	*12 Hydref 2009*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 6, 14(3) a 42(6) o Ddeddf Addysgu ac Addysg Uwch 1998(**1**) a pharagraff 1(1) a (4) o Atodlen 2 iddi ac a freiniwyd bellach ynddynt hwy(**2**), ac ar ôl ymgynghori â Chyngor Addysgu Cyffredinol Cymru yn unol ag adran 42(9) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2009 a deuant i rym ar 12 Hydref 2009.

(**1**) 1998 p.30. Mae adran 6 ac Atodlenni 1 a 2 yn gymwys mewn perthynas â Chyngor Addysgu Cyffredinol Cymru yn rhinwedd adrannau 8 a 9 o Ddeddf Addysgu ac Addysg Uwch 1998 a Gorchymyn Cyngor Addysgu Cyffredinol Cymru 1998 (O.S. 1998/2911). Diwygiwyd paragraff 1(4) o Atodlen 2 gan baragraff 86(2) o Atodlen 21 i Ddeddf Addysg 2002 (p.32) ac fe'i diwygiwyd ymhellach gan baragraffau 2 a 7 o Atodlen 9 i Ddeddf Diogelu Grwpiau Hyglwyf 2006 (p.47). I ganfod ystyr "prescribed" a "regulations" *gweler* adran 43(1).

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac adran 211 o Ddeddf Addysg 2002, ac yna i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH STATUTORY INSTRUMENTS

2009 No. 1354 (W.130)

EDUCATION, WALES

The General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2009

Made	*2 June 2009*
Laid before the National Assembly for Wales	*4 June 2009*
Coming into force	*12 October 2009*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 6, 14 (3) and 42(6) of, and paragraph 1(1) and (4) of Schedule 2 to, the Teaching and Higher Education Act 1998(**1**) and now vested in them(**2**), and after consulting the General Teaching Council for Wales in accordance with section 42(9) of that Act, make the following Regulations:

Title and commencement

1. The title of these Regulations is the General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2009 and they come into force on 12 October 2009.

(**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). Paragraph 1(4) of Schedule 2 was amended by paragraph 86(2) of Schedule 21 to the Education Act 2002 (c.32) and further amended by paragraphs 2 and 7 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c.47). For the meaning of "prescribed" and "regulations" *see* section 43(1).

(**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 section 211 of the Education Act 2002, and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Diwygio Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) 2001

2. Caiff Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) 2001(**1**) eu diwygio fel a ganlyn—

(a) yn lle rheoliad 9(1)(b) rhodder y canlynol—

"(b) bod y Bwrdd Gwahardd Annibynnol, a sefydlwyd o dan adran 1 o Ddeddf Diogelu Grwpiau Hyglwyf 2006(**2**), wedi cynnwys athro cofrestredig neu athrawes gofrestredig, neu'n ystyried p'un ai i'w gynnwys neu i'w chynnwys, yn y naill restr neu'r llall o bersonau wedi eu gwahardd a gedwir o dan adran 2 o'r Ddeddf honno.";

(b) mewnosoder ar ôl rheoliad 18 —

"**18**A. Pan ofynnir i'r Cyngor wneud hynny, rhaid iddo hysbysu'r Ysgrifennydd Gwladol a yw gorchymyn gwahardd wedi ei wneud mewn perthynas â pherson penodol ar sail ymddygiad proffesiynol annerbyniol neu am fod y person wedi ei gollfarnu (ar unrhyw adeg) am dramgwydd perthnasol.".

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

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

(a) for regulation 9(1)(b) substitute the following—

"(b) the Independent Barring Board, established under section 1 of the Safeguarding Vulnerable Groups Act 2006(**2**), has included, or is considering whether to include, a registered teacher in either of the barred lists maintained under section 2 of that Act";

(b) insert after regulation 18 —

"**18A**. The Council must, upon request, inform the Secretary of State whether they have made a prohibition order in relation to a particular person on the grounds of unacceptable professional conduct, or that the person has been convicted (at any time) of a relevant offence.".

Jane Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

2 Mehefin 2009

2 June 2009

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(**1**) O.S. 2001/1424 (Cy.99) fel y'i diwygiwyd gan O.S. 2003/503 (Cy.71).

(**2**) 2006 p.47.

(**1**) S.I. 2001/1424 (W.99) as amended by S.I. 2003/503 (W.71).

(**2**) 2006 c. 47.