OFFERYNNAU STATUDOL CYMRU

2009 Rhif 2161 (Cy.184)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu)(Diwygio Rhif 2) 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") ac yn dirymu diwygiad a wnaed i Reoliadau 2001 gan Reoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2009.

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

Effaith y diwygiad a'r dirymiad yw bod swyddogaethau Pwyllgor Ymchwilio sy'n perthyn i Gyngor Addysgu Cyffredinol Cymru yn cael eu gwahardd os yw Gweinidogion Cymru neu'r Ysgrifennydd Gwladol yn dymuno ystyried achos gyda'r bwriad o arfer pwerau o dan adran 142 o Ddeddf Addysg 2002, neu os yw'r Bwrdd Gwahardd Annibynnol wedi cynnwys neu'n dymuno ystyried cynnwys yr athro neu'r athrawes yn y rhestrau o'r gwaharddedig a gedwir o dan Ddeddf Diogelu Grwpiau Hyglwyf 2006.

Er bod y cynllun gwahardd o dan y Ddeddf Diogelu Grwpiau Hyglwyf 2006 yn disodli'r system o roi cyfarwyddiadau o dan adran 142 o Ddeddf Addysg 2002, cedwir y cyfeiriad at y system honno gan fod angen gwahardd swyddogaethau Pwyllgor Ymchwilio mewn perthynas ag achosion sy'n cael eu hystyried o dan adran 142 o Ddeddf Addysg 2002 ond nad ydynt wedi dod i ben ar 12 Hydref 2009.

WELSH STATUTORY INSTRUMENTS

2009 No. 2161 (W.184)

EDUCATION, WALES

The General Teaching Council for Wales (Disciplinary Functions) (Amendment No. 2) 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") and revoke an amendment made to the 2001 Regulations by the General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2009.

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

The effect of the amendment and revocation is that the functions of an Investigating Committee of the General Teaching Council for Wales are excluded if the Welsh Ministers or the Secretary of State wish to consider a case with a view to exercising powers under section 142 of the Education Act 2002, or 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.

Although the barring scheme under the Safeguarding Vulnerable Groups Act 2006 replaces the system of giving directions under section 142 of the Education Act 2002, the reference to that system is retained as it is necessary to exclude an Investigating Committee's functions in relation to cases that are being considered under section 142 of the Education Act 2002 but have not been concluded on 12 October 2009.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 2161 (Cy.184)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio Rhif 2) 2009

Gwnaed *3 Awst 2009*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *6 Awst 2009*

Yn dod i rym yn unol â rheoliad 1(2) a (3)

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 a pharagraff 1(1) a (4) o Atodlen 2 iddi(**1**) ac sydd bellach wedi eu breinio ynddynt hwy(**2**), ac ar ôl ymgynghori â Chyngor Addysgu Cyffredinol Cymru'n unol ag adran 42(9) o'r Ddeddf honno, yn gwneud y Rheoliadau a ganlyn:

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio Rhif 2) 2009.

(2) Daw'r rheoliad hwn a rheoliad 2 i rym ar 7 Medi 2009.

(3) Daw rheoliad 3 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. 2161 (W.184)

EDUCATION, WALES

The General Teaching Council for Wales (Disciplinary Functions) (Amendment No. 2) Regulations 2009

Made *3 August 2009*

Laid before the National Assembly for Wales *6 August 2009*

Coming into force in accordance with regulation 1(2) and (3)

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.—(1) The title of these Regulations is the General Teaching Council for Wales (Disciplinary Functions) (Amendment No. 2) Regulations 2009.

(2) This regulation and regulation 2 come into force on 7 September 2009.

(3) Regulation 3 comes 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).

Dirymu

2. Dirymir rheoliad 2 o Reoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2009(**1**).

Diwygio Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) 2001

3. Diwygir Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) 2001(**2**) drwy ychwanegu'r canlynol ar ôl rheoliad 9(1)(b)—

"; neu

(c) bod y Bwrdd Gwahardd Annibynnol, a sefydlwyd o dan adran 1 o Ddeddf Diogelu Grwpiau Hyglwyf 2006(**3**), wedi cynnwys, neu'n ystyried p'un ai i gynnwys, athro cofrestredig neu athrawes gofrestredig yn y naill neu'r llall o'r rhestrau o'r gwaharddedig a gedwir o dan adran 2 o'r Ddeddf honno.".

Revocation

2. Regulation 2 of the General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2009(**1**) is revoked.

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

3. The General Teaching Council for Wales (Disciplinary Functions) Regulations 2001(**2**) are amended by adding after regulation 9(1)(b) the following —

"; or

(c) the Independent Barring Board, established under section 1 of the Safeguarding Vulnerable Groups Act 2006(**3**), has included, or is considering whether to include, a registered teacher in either of the barred lists maintained under section 2 of that Act.".

Jane Hutt

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

3 Awst 2009

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

3 August 2009

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(**1**) O.S. 2009/1354 (Cy.130).

(**2**) O.S. 2001/1424 (Cy.99) fel y'i diwygiwyd gan O.S. 2003/503 (Cy.71), 2009/1354 (Cy.130).

(**3**) 2006 p.47.

(**1**) S.I. 2009/1354 (W.130).

(**2**) S.I. 2001/1424 (W.99) as amended by S.I. 2003/503 (W.71), 2009/1354 (W.130).

(**3**) 2006 c.47.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 2161 (Cy.184)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu)(Diwygio Rhif 2) 2009

WELSH STATUTORY INSTRUMENTS

2009 No. 2161 (W.184)

EDUCATION, WALES

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