OFFERYNNAU STATUDOL CYMRU

2011 Rhif 2908 (Cy.312)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2011

NODYN ESBONIADOL

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

Mae Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) 2001 yn gwneud darpariaeth ynghylch swyddogaethau disgyblu Cyngor Addysgu Cyffredinol Cymru. Mae'r Rheoliadau hyn yn diwygio Rheoliadau 2001 drwy gael rheoliad 8 newydd sy'n gwneud darpariaeth ynghylch aelodaeth a gweithdrefn Pwyllgorau Ymchwilio, Pwyllgorau Ymddygiad Proffesiynol a Phwyllgorau Cymhwysedd Proffesiynol y Cyngor. Mae'r rheoliad 8 newydd yn darparu na all aelod o'r Cyngor fod yn aelod o unrhyw un o'r Pwyllgorau hynny.

WELSH STATUTORY INSTRUMENTS

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.

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 2908 (Cy.312)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2011

Gwnaed	*2 Rhagfyr 2011*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*6 Rhagfyr 2011*
Yn dod i rym	*31 Rhagfyr 2011*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 1, a 42(6) a (7) o Ddeddf Addysgu ac Addysg Uwch 1998 a pharagraff 9 o Atodlen 1 iddi(**1**), ac sydd bellach yn arferadwy ganddynt hwy(**2**), ac ar ôl ymgynghori â Chyngor Addysgu Cyffredinol Cymru'n unol ag adran 42(9) o'r Ddeddf honno:

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2011.

(2) Daw'r Rheoliadau hyn i rym ar 31 Rhagfyr 2011.

(**1**) 1998 p. 30. Mae'r darpariaethau perthnasol yn gymwys mewn perthynas â Chyngor Addysgu Cyffredinol Cymru yn rhinwedd adrannau 8 a 9 o'r Ddeddf a Gorchymyn Cyngor Addysgu Cyffredinol Cymru 1998 (O.S. 1998/2911).

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

WELSH STATUTORY INSTRUMENTS

2011 No. 2908 (W.312)

EDUCATION, WALES

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.

(**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).

Diwygio Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) 2001

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

(2) Rhodder y canlynol yn lle rheoliad 8—

"**8**.—(1) Rhaid i'r Cyngor gynnwys ar Bwyllgor—

(a) un neu ragor o aelodau lleyg; a

(b) un neu ragor o aelodau sy'n athrawon cofrestredig.

(2) Y cworwm ar gyfer cyfarfod Pwyllgor yw tri aelod, gan gynnwys un aelod lleyg ac un aelod sy'n athro neu'n athrawes gofrestredig.

(3) Rhaid peidio â phenodi person sy'n aelod o'r Cyngor yn aelod o Bwyllgor.

(4) Rhaid peidio â phenodi person sy'n aelod o'r Pwyllgor Ymchwilio sy'n ymchwilio i achos yn aelod o'r Pwyllgor Ymddygiad Proffesiynol na'r Pwyllgor Cymhwysedd Proffesiynol sy'n penderfynu ar yr achos hwnnw.

(5) Yn ddarostyngedig i baragraffau (1) i (4) a rheoliadau 20 a 22, caiff y Cyngor wneud unrhyw ddarpariaeth y mae'n barnu ei bod yn addas o ran y canlynol—

(a) aelodaeth Pwyllgor;

(b) ar ba delerau y mae aelodau'r Pwyllgor i ddal swydd ac ymadael â hi; ac

(c) y weithdrefn ar gyfer Pwyllgor.

(6) Yn y rheoliad hwn—

(a) ystyr "aelod lleyg" ("*lay member*") yw aelod o'r Pwyllgor nad yw—

(i) yn athro neu'n athrawes gofrestredig, neu

(ii) yn gyflogedig, neu wedi ei gymryd ymlaen i ddarparu gwasanaethau ac eithrio o dan gontract cyflogaeth, fel athro neu athrawes neu wedi bod yn gyflogedig neu wedi ei gymryd ymlaen felly o fewn cyfnod o 5 mlynedd a ddaeth i ben ar y dyddiad y penodwyd y person hwnnw i'r Pwyllgor,

ac ni fydd aelod lleyg sy'n dod yn athro neu'n athrawes gofrestredig neu sy'n cymryd swydd athro neu athrawes neu'n cael ei gymryd ymlaen fel athro neu athrawes yn cael ei ystyried bellach yn aelod lleyg;

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

(**1**) O.S. 2001/1424 (Cy. 99) fel y'i diwygiwyd gan O.S. 2003/503 (Cy. 71), O.S. 2003/542 (Cy. 76), adran 81(5) o Ddeddf Plismona a Throsedd 2009 (2009 p. 26), O.S. 2009/1354 (Cy. 130), O.S. 2009/2161 (Cy. 184) ac O.S. 2010/1142 (Cy. 101).

(**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).

(b) ystyr "aelod sy'n athro neu'n athrawes gofrestredig" ("*registered teacher member*") yw aelod o'r Pwyllgor—

(i) sy'n athro neu'n athrawes gofrestredig, a

(ii) sy'n gyflogedig, neu wedi ei gymryd ymlaen i ddarparu gwasanaethau ac eithrio o dan gontract cyflogaeth, fel athro neu athrawes ar y dyddiad y penodir y person hwnnw i'r Pwyllgor,

ac ni fydd aelod sy'n athro neu'n athrawes gofrestredig ac sy'n peidio â bod yn athro neu'n athrawes gofrestredig neu sy'n peidio â dal swydd athro neu athrawes neu'n gorffen cael ei gymryd ymlaen fel athro neu athrawes yn cael ei ystyried bellach yn aelod sy'n athro neu'n athrawes gofrestredig.".

(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

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

Minister for Education and Skills, one of the Welsh Ministers

2 Rhagfyr 2011

2 December 2011

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W1118/12/11 ON