OFFERYNNAU STATUDOL CYMRU

2012 Rhif 166 (Cy.25)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2012

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000 ("Rheoliadau 2000"), o ganlyniad i Ddeddf Addysg 2011 ("Deddf 2011"), sy'n darparu ar gyfer diddymu Cyngor Addysgu Cyffredinol Lloegr ("CACLl") ac yn gwneud darpariaeth newydd o ran gwahardd personau rhag cyflawni gwaith addysgu. Mae Rheoliadau 2000 hefyd yn ystyried dyfodiad rhannau o Orchymyn Diwygio Gwasanaethau Cyhoeddus (Cyngor Addysgu Cyffredinol yr Alban) 2011 i rym.

Mae rheoliad 2(2) o'r Rheoliadau hyn yn gosod darpariaeth newydd yn lle rheoliad 3(a) o Reoliadau 2000. Mae'r ddarpariaeth newydd yn ystyried dyfodiad i rym rannau o Orchymyn Diwygio Gwasanaethau Cyhoeddus (Cyngor Addysgu Cyffredinol yr Alban) 2011, sy'n gwneud newidiadau i'r meini prawf a fydd yn penderfynu bod person yn cael ei dynnu oddi ar y gofrestr athrawon yn yr Alban.

Mae rheoliad 2(3) yn ychwanegu paragraff newydd at Atodlen 1 i Reoliadau 2000 sy'n darparu y bydd telerau unrhyw orchymyn gwahardd a wneir gan yr Ysgrifennydd Gwladol o dan adran 141B o Ddeddf Addysg 2002 ("Deddf 2002"), o dan yr hwn y mae person yn cael ei wahardd rhag cyflawni gwaith addysgu, yn cael eu cofnodi yn y gofrestr athrawon sy'n cael ei chynnal gan Gyngor Addysgu Cyffredinol Cymru. Mewnosodir adran 141B yn Neddf 2002 gan Ddeddf 2011. Mae'r rheoliad hefyd yn diddymu cyfeiriadau at CACLl ym mharagraffau 22A a 22B o Atodlen 1 i Reoliadau 2000.

WELSH STATUTORY INSTRUMENTS

2012 No. 166 (W.25)

EDUCATION, WALES

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the General Teaching Council for Wales (Functions) Regulations 2000 ("the 2000 Regulations"), as a consequence of the Education Act 2011 ("the 2011 Act"), which provides for the abolition of the General Teaching Council for England ("the GTCE") and makes new provision in relation to the prohibition of persons from carrying out teaching work. The 2000 Regulations also take account of the coming into force of parts of the Public Services Reform (General Teaching Council for Scotland) Order 2011.

Regulation 2(2) of these Regulations substitutes a new provision for regulation 3(a) of the 2000 Regulations. The new provision takes account of the coming into force of parts of the Public Services Reform (General Teaching Council for Scotland) Order 2011, which makes changes to the criteria that will determine removal of a person from the register of teachers in Scotland.

Regulation 2(3) adds a new paragraph to Schedule 1 to the 2000 Regulations which provides that the terms of any prohibition order made by the Secretary of State under section 141B of the Education Act 2002 ("the 2002 Act"), under which a person is prohibited from carrying out teaching work, will be recorded in the register of teachers maintained by the General Teaching Council for Wales. Section 141B is inserted into the 2002 Act by the 2011 Act. The regulation also removes references to the GTCE in paragraphs 22A and 22B of Schedule 1 to the 2000 Regulations.

Mae rheoliad 2(4) yn darparu y caiff telerau unrhyw orchymyn gwahardd a wneir gan yr Ysgrifennydd Gwladol o dan adran 141B o Ddeddf 2002, o dan yr hwn y mae person yn cael ei wahardd rhag cyflawni gwaith addysgu, eu darparu i gyflogwyr ac eraill. Mae'r rheoliad hefyd yn diddymu cyfeiriadau at CACLl ym mharagraffau 13A a 13B o Atodlen 2 i Reoliadau 2000.

Regulation 2(4) provides that the terms of any prohibition order made by the Secretary of State under section 141B of the 2002 Act under which a person is prohibited from carrying out teaching work may be supplied to employers and others. The regulation also removes references to the GTCE in paragraphs 13A and 13B of Schedule 2 to the 2000 Regulations.

OFFERYNNAU STATUDOL CYMRU

2012 Rhif 166 (Cy.25)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2012

Gwnaed *20 Ionawr 2012*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *26 Ionawr 2012*

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 3(3D), 4(2) a 42(6) a (7) o Ddeddf Addysgu ac Addysg Uwch 1998(**1**) ac sydd bellach wedi eu breinio ynddynt hwy(**2**), ac ar ôl ymgynghori â Chyngor Addysgu Cyffredinol Cymru yn unol ag adran 42(9) o Ddeddf Addysgu ac Addysg Uwch 1998:

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2012.

(2) Daw rheoliad 2(2) i rym ar 2 Ebrill 2012, daw rheoliadau 2(3)(a) a 2(4)(a) i rym ar y diwrnod y daw adran 8 o Ddeddf Addysg 2011(**3**) i rym, a daw rheoliadau 2(3)(b) ac (c) a 2(4)(b) ac (c) i rym ar y diwrnod y daw adran 7 o Ddeddf Addysg 2011 i rym.

(**1**) 1998 p. 30. Mae'r darpariaethau perthnasol yn gymwys o ran Cyngor Addysgu Cyffredinol Cymru yn rhinwedd adrannau 8 a 9 o'r Ddeddf a Gorchymyn Cyngor Addysgu Cyffredinol Cymru 1998 (O.S. 1998/2911). Mewnosodwyd adran 3(3D) gan baragraffau 1, 3(1) a (5) o Ran 1 o Atodlen 12 i Ddeddf Addysg 2002 (p. 32) a diwygiwyd adran 4(2) gan baragraffau 1, 4(1) a (2) o Ran 1 o Atodlen 12 i'r Ddeddf honno.

(**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).

(**3**) 2011 p. 21.

WELSH STATUTORY INSTRUMENTS

2012 No. 166 (W.25)

EDUCATION, WALES

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2012

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 3(3D), 4(2) and 42(6) and (7) of the Teaching and Higher Education Act 1998(**1**) and now vested in them(**2**), and having consulted the General Teaching Council for Wales in accordance with section 42(9) of the Teaching and Higher Education Act 1998:

Title and commencement

1.—(1) The title of these Regulations is the General Teaching Council for Wales (Functions) (Amendment) Regulations 2012.

(2) Regulation 2(2) comes into force on 2 April 2012, regulations 2(3)(a) and 2(4)(a) come into force on the day that section 8 of the Education Act 2011(**3**) comes into force and regulations 2(3)(b) and (c) and 2(4)(b) and (c) come into force on the day that section 7 of the Education Act 2011 comes into force.

(**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). Section 3(3D) was inserted by paragraphs 1, 3(1) and (5) of Part 1 of Schedule 12 to the Education Act 2002 (c. 32) and section 4(2) was amended by paragraphs 1, 4(1) and (2) of Part 1 of Schedule 12 to that Act.

(**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.

Diwygio Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000

2.—(1) Diwygir Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000(**1**) fel a ganlyn.

(2) Yn lle rheoliad 3(a) rhodder y paragraff a ganlyn—

"erthygl 18(2) (addasrwydd i addysgu) neu 19 (unigolion gwaharddedig) o Orchymyn Diwygio Gwasanaethau Cyhoeddus (Cyngor Addysgu Cyffredinol yr Alban) 2011(**2**) neu benderfyniad gan Gyngor Addysgu Cyffredinol yr Alban i ddileu unigolyn o'r gofrestr, yn dilyn ei ddyfarnu'n euog o dramgwydd, o dan erthygl 27 (tramgwyddau) o'r Gorchymyn hwnnw.".

(3) Yn Atodlen 1,

(a) ar ôl paragraff 21, mewnosoder y canlynol—

"**21A**

Telerau unrhyw orchymyn gwahardd sydd mewn grym am y tro mewn perthynas â'r person ac sydd wedi'i wneud gan yr Ysgrifennydd Gwladol o dan adran 141B o Ddeddf Addysg 2002.".

(b) ym mharagraff 22A, hepgorer y geiriau "neu gan Gyngor Addysgu Cyffredinol Lloegr".

(c) ym mharagraff 22B, hepgorer y geiriau "neu gan Gyngor Addysgu Cyffredinol Lloegr".

(4) Yn Atodlen 2,

(a) ar ôl paragraff 12A, mewnosoder y canlynol—

"**12B**

Telerau unrhyw orchymyn gwahardd sydd mewn grym am y tro mewn perthynas â'r person ac sydd wedi'i wneud gan yr Ysgrifennydd Gwladol o dan adran 141B o Ddeddf Addysg 2002.".

(b) ym mharagraff 13A, hepgorer y geiriau "neu gan Gyngor Addysgu Cyffredinol Lloegr".

(c) ym mharagraff 13B, hepgorer y geiriau "neu gan Gyngor Addysgu Cyffredinol Lloegr".

(**1**) O.S. 2000/1979 (Cy. 140) fel y'i diwygiwyd gan O.S. 2001/2496 (Cy. 200), O.S. 2004/1741 (Cy. 180), O.S. 2005/69 (Cy. 7), O.S. 2006/1343 (Cy. 133), O.S. 2009/1353 (Cy. 129) ac O.S. 2010/1142 (Cy. 101).

(**2**) O.S.A. 2011/215.

Amendment of the General Teaching Council for Wales (Functions) Regulations 2000

2.—(1) The General Teaching Council for Wales (Functions) Regulations 2000(**1**) are amended as follows.

(2) Substitute for regulation 3(a) the following paragraph—

"article 18(2) (fitness to teach) or 19 (barred individuals) of the Public Services Reform (General Teaching Council for Scotland) Order 2011(**2**) or a decision by the General Teaching Council for Scotland to remove an individual from the register following their conviction of an offence under article 27 (offences) of that Order.".

(3) In Schedule 1,

(a) after paragraph 21 insert the following—

"**21A**

The terms of any prohibition order for the time being in force in relation to the person made by the Secretary of State under section 141B of the Education Act 2002.".

(b) in paragraph 22A omit the words "or the General Teaching Council for England".

(c) in paragraph 22B omit the words "or the General Teaching Council for England".

(4) In Schedule 2,

(a) after paragraph 12A insert the following—

"**12B**

The terms of any prohibition order for the time being in force in relation to the person made by the Secretary of State under section 141B of the Education Act 2002.".

(b) in paragraph 13A omit the words "or the General Teaching Council for England".

(c) in paragraph 13B omit the words "or the General Teaching Council for England".

(**1**) S.I. 2000/1979 (W. 140) as amended by S.I. 2001/2496 (W. 200), S.I. 2004/1741 (W. 180), S.I. 2005/69 (W. 7), S.I. 2006/1343 (W. 133), S.I. 2009/1353 (W. 129) and S.I. 2010/1142 (W. 101).

(**2**) S.S.I. 2011/215.

Leighton Andrews

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

Minister for Education and Skills, one of the Welsh Ministers

20 Ionawr 2012

20 Janury 2012

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OFFERYNNAU STATUDOL CYMRU

2012 Rhif 166 (Cy.25)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2012

WELSH STATUTORY INSTRUMENTS

2012 No. 166 (W.25)

EDUCATION, WALES

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2012

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