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WELSH STATUTORY INSTRUMENTS

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**2012 No. 170 (W.29)**

**EDUCATION, WALES**

**The General Teaching Council for Wales (Disciplinary 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 6 and 42(6) and (7) of, and paragraph 1(1) and (4) of Schedule 2 to, the Teaching and Higher Education Act 1998<sup>(1)</sup> and now vested in them<sup>(2)</sup>, and having consulted 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 2012.

(2) These Regulations come into force on the day on which section 8 of the Education Act 2011<sup>(3)</sup> comes into force.

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

2.—(1) The General Teaching Council for Wales (Disciplinary Functions) Regulations 2001<sup>(4)</sup> are amended as follows.

(2) In regulation 2(1)—

(a) omit the words “or England” in the definition of “disciplinary order”.

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- (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). 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 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.
- (4) 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) insert in the appropriate place in the alphabetical order the following definition—  
““prohibition order” (“*gorchymyn gwahardd*”) in relation to a teacher in England means a prohibition order made by the Secretary of State under section 141B of the Education Act 2002(5);”.

(c) omit the words “or England” in the definition of “disciplinary proceedings”.

(d) substitute for the definition of “relevant offence” the following—

““relevant offence” (“*tramgwydd perthnasol*”) in relation to Wales has the same meaning as in Schedule 2 to the 1998 Act and in relation to England has the same meaning as in section 141B(4) of the Education Act 2002;”.

(3) In regulation 9(1)(b) omit the words “or the Secretary of State” on the first occasion that they appear and add the following after the words “under section 142 of the Education Act 2002”—

“or the Secretary of State wishes to consider the case with a view to exercising the Secretary of State’s powers under section 141B of the Education Act 2002”.

(4) Substitute the following for regulation 25—

**“Prohibition orders**

**25** A prohibition order will apply in relation to Wales as it applies in relation to England.”.

20 January 2012

*Leighton Andrews*  
Minister for Education and Skills, one of the  
Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The General Teaching Council for Wales (Disciplinary Functions) Regulations 2001 (“the 2001 Regulations”) make provision about the disciplinary functions of the General Teaching Council for Wales (“the Council”). These Regulations amend the 2001 Regulations as a consequence of the Education Act 2011, which provides for the abolition of the General Teaching Council for England (“the GTCE”) and makes new provisions in relation to the prohibition of persons from carrying out teaching work.

Regulation 2(2) of these Regulations amends the definitions provision of the 2001 Regulations to account for the abolition of the GTCE and the new provisions inserted into the Education Act 2002 (“the 2002 Act”) which provide for the Secretary of State to have the power to make a prohibition order prohibiting a person from carrying out teaching work.

Regulation 2(3) of these Regulations amends regulation 9(1)(b) of the 2001 Regulations. The amendment adds a provision whereby an Investigating Committee of the Council, as established under regulation 3(1) of the 2001 Regulations, has no functions in relation to investigation of a registered teacher, in circumstances where the Secretary of State wishes to consider the case with a view to exercising the Secretary of State’s powers under section 141B of the 2002 Act.

Regulation 2(4) of these Regulations substitutes a new provision for regulation 25 of the 2001 Regulations which provides that a prohibition order made by the Secretary of State under section 141B of the 2002 Act will apply in relation to Wales as it applies in relation to England. The previous wording of regulation 25 that has been removed made a similar provision in relation to a disciplinary order made by the GTCE.