OFFERYNNAU STATUDOL CYMRU

2012 Rhif 170 (Cy.29)

ADDYSG, CYMRU

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

NODYN ESBONIADOL

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

Mae Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) 2001 ("Rheoliadau 2001") yn darparu ynglŷn â swyddogaethau disgyblu Cyngor Addysgu Cyffredinol Cymru ("y Cyngor"). Mae'r Rheoliadau hyn yn diwygio Rheoliadau 2001 o ganlyniad i Ddeddf Addysg 2011, sy'n darparu ar gyfer diddymu Cyngor Addysgu Cyffredinol Lloegr ("y CACLl") ac yn gwneud darpariaethau newydd o ran gwahardd personau rhag cyflawni gwaith addysgu.

Mae rheoliad 2(2) o'r Rheoliadau hyn yn diwygio'r ddarpariaeth o ddiffiniadau yn Rheoliadau 2001 er mwyn cymryd i ystyriaeth ddiddymiad CACLl a'r darpariaethau newydd a fewnosodwyd yn Neddf Addysg 2002 ("Deddf 2002") sy'n darparu bod gan yr Ysgrifennydd Gwladol y pŵer i wneud gorchymyn gwahardd sy'n gwahardd person rhag cyflawni gwaith addysgu.

Mae rheoliad 2(3) o'r Rheoliadau hyn yn diwygio rheoliad 9(1)(b) o Reoliadau 2001. Mae'r diwygiad yn ychwanegu darpariaeth yn ôl yr hon nid oes gan Bwyllgor Ymchwilio o'r Cyngor, fel y'i sefydlwyd o dan reoliad 3(1) o Reoliadau 2001, unrhyw swyddogaethau o ran ymchwilio i athro neu athrawes gofrestredig, o dan amgylchiadau lle mae'r Ysgrifennydd Gwladol yn dymuno ystyried yr achos gyda golwg ar arfer pwerau'r Ysgrifennydd Gwladol o dan adran 141B o Ddeddf 2002.

Mae rheoliad 2(4) o'r Rheoliadau hyn yn rhoi darpariaeth newydd yn lle rheoliad 25 o Reoliadau

WELSH STATUTORY INSTRUMENTS

2012 No. 170 (W.29)

EDUCATION, WALES

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

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

2001, sy'n darparu y bydd gorchymyn gwahardd sydd wedi'i wneud gan yr Ysgrifennydd Gwladol o dan adran 141B o Ddeddf 2002 yn gymwys o ran Cymru fel y mae'n gymwys o ran Lloegr. Yr oedd y geiriad blaenorol sydd wedi ei ddiddymu yn rheoliad 25 yn gwneud darpariaeth gyffelyb o ran gorchymyn disgyblu a oedd wedi'i wneud gan CACLl.

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.

OFFERYNNAU STATUDOL CYMRU

2012 Rhif 170 (Cy.29)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (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 6 a 42(6) a (7) o Ddeddf Addysgu ac Addysg Uwch 1998(**1**), a pharagraff 1(1) a (4) o Atodlen 2 iddi, 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'r Ddeddf honno:

Enwi a chychwyn

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

(2) Daw'r Rheoliadau hyn i rym ar y diwrnod y daw adran 8 o Ddeddf Addysg 2011(**3**) 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). Cafodd paragraff 1(4) o Atodlen 2 ei ddiwygio gan baragraff 86(2) o Atodlen 21 i Ddeddf Addysg 2002 (p. 32) a'i ddiwygio ymhellach gan baragraffau 2 a 7 o Atodlen 9 i Ddeddf Diogelu Grwpiau Hyglwyf 2006 (p. 47). Am 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 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. 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(**1**) and now vested in them(**2**), 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(**3**) 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). 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.

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) Yn rheoliad 2(1)—

(a) hepgorer y geiriau "neu Loegr" yn y diffiniad o "gorchymyn disgyblu".

(b) mewnosoder, yn y man priodol yn ôl trefn yr wyddor, y diffiniad a ganlyn—

"ystyr "gorchymyn gwahardd" ("*prohibition order*") mewn perthynas ag athro neu athrawes yn Lloegr yw gorchymyn gwahardd sydd wedi'i wneud gan yr Ysgrifennydd Gwladol o dan adran 141B o Ddeddf Addysg 2002(**2**);".

(c) hepgorer y geiriau "neu Loegr" yn y diffiniad o "achos disgyblu".

(ch) rhodder y canlynol yn lle'r diffiniad o "tramgwydd perthnasol"—

"mae i "tramgwydd perthnasol", o ran Cymru, yr un ystyr ag sydd i "*relevant offence*" yn Atodlen 2 i Ddeddf 1998, ac o ran Lloegr mae iddo'r un ystyr ag sydd i "*relevant offence*" yn adran 141B(4) o Ddeddf Addysg 2002;".

(3) Yn rheoliad 9(1)(b) hepgorer y geiriau "neu'r Ysgrifennydd Gwladol" ar yr achlysur cyntaf y maent yn ymddangos, ac ychwaneger y canlynol ar ôl y geiriau "o dan adran 142 o Ddeddf Addysg 2002"—

"neu fod yr Ysgrifennydd Gwladol yn dymuno ystyried yr achos gyda'r bwriad o arfer pwerau'r Ysgrifennydd Gwladol o dan adran 141B o Ddeddf Addysg 2002".

(4) Rhodder y canlynol yn lle rheoliad 25—

"25 Gorchmynion gwahardd

Bydd gorchymyn gwahardd yn gymwys o ran Cymru fel y mae'n gymwys o ran Lloegr.".

(**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).

(**2**) 2002 p. 32.

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) In regulation 2(1)—

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

(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(**2**);".

(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—

"25 Prohibition orders

A prohibition order will apply in relation to Wales as it applies in relation to England.".

(**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).

(**2**) 2002 c. 32.

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 January 2012

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OFFERYNNAU STATUDOL CYMRU

2012 Rhif 170 (Cy.29)

ADDYSG, CYMRU

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

WELSH STATUTORY INSTRUMENTS

2012 No. 170 (W.29)

EDUCATION, WALES

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

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