



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 444 (Cy. 107)

2019 No. 444 (W. 107)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**EXITING THE EUROPEAN
UNION, WALES**

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Cymwysterau
Athrawon (Diwygio) (Cymru)
(Ymadael â'r UE) 2019

The Teachers' Qualifications
(Amendment) (Wales) (EU Exit)
Regulations 2019

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir i Weinidogion Cymru gan baragraff 1 o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16), er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

These Regulations are made in exercise of the powers conferred on the Welsh Ministers by paragraph 1 of Schedule 2 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Maent hefyd wedi eu gwneud drwy arfer y pwerau yn adrannau 132 a 135 o Ddeddf Addysg 2002.

They are also made in exercise of the powers in sections 132 and 135 of the Education Act 2002.

Mae'r Rheoliadau hyn yn gwneud diwygiadau i is-ddeddfwriaeth sy'n berthnasol i gydnabod cymwysterau athrawon yng Nghymru.

These Regulations make amendments to subordinate legislation relevant to the recognition of teachers' qualifications in Wales.

Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

The Regulations apply in relation to Wales.

Ni luniwyd asesiad effaith ar gyfer yr offeryn hwn gan na ragwelir y bydd unrhyw effaith, neu unrhyw effaith sylweddol, ar y sector preifat na'r sector gwirfoddol.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

2019 Rhif 444 (Cy. 107)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

ADDYSG, CYMRU

**Rheoliadau Cymwysterau
Athrawon (Diwygio) (Cymru)
(Ymadael â'r UE) 2019**

*Gofynion sifftio wedi eu bodloni 18 Chwefror
2019*

Gwnaed 4 Mawrth 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru 5 Mawrth 2019*

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 132(1) a (2) a 135 o Ddeddf Addysg 2002(1), ac ar ôl ymgynghori â Chyngor y Gweithlu Addysg fel sy'n ofynnol gan adran 132(4) o'r Ddeddf honno, a thrwy arfer y pwerau ym mharagraff 1 o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (2), yn gwneud y Rheoliadau a ganlyn.

Mae gofynion paragraff 4(2) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (sy'n ymwneud â gweithdrefn briodol y Cynulliad ar gyfer y Rheoliadau hyn) wedi eu bodloni.

2019 No. 444 (W. 107)

**EXITING THE EUROPEAN
UNION, WALES**

EDUCATION, WALES

**The Teachers' Qualifications
(Amendment) (Wales) (EU Exit)
Regulations 2019**

Sift requirements satisfied 18 February 2019

Made 4 March 2019

*Laid before the National Assembly for Wales
5 March 2019*

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers, in exercise of the powers conferred by sections 132(1) and (2) and 135 of the Education Act 2002(1) and having consulted the Education Workforce Council as required by section 132(4) of that Act, and in exercise of the powers in paragraph 1 of Schedule 2 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(2), make the following Regulations.

The requirements of paragraph 4(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Assembly procedure for these Regulations) have been satisfied.

(1) 2002 p. 32. Gweler adran 212(1) am ystyr "regulations". Trosglwyddwyd y swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru o dan yr adrannau hyn i Weiniogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.
(2) 2018 p. 16.

(1) 2002 c.32. For the meaning of "regulations", see s.212(1). The functions conferred on the National Assembly for Wales under these sections were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
(2) 2018 c. 16.

RHAN 1

Cyflwyniad

Enwi, cychwyn, cymhwyso a dirymu

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cymwysterau Athrawon (Diwygio) (Cymru) (Ymadael â'r UE) 2019.

(2) Daw'r Rheoliadau hyn i rym ar y diwrnod ymadael.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(4) Mae Rheoliadau Cyngor Addysgu Cyffredinol (Cofrestru Athrawon Dros Dro o Wladwriaethau Ewropeaidd Perthnasol) (Cymru a Lloegr) 2009(1) wedi eu dirymu.

RHAN 2

Diwygio is-ddeddfwriaeth

Diwygio Rheoliadau Cymwysterau a Chofrestru Prifathrawon (Cymru) 2005

2.—(1) Mae Rheoliadau Cymwysterau a Chofrestru Prifathrawon (Cymru) 2005(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2, yn lle'r diffiniad o "Rheoliadau 2005", rhodder—

“ystyr “Rheoliadau 2015” (*“the 2015 Regulations”*) yw Rheoliadau'r Undeb Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2015(3)”.

(3) Yn rheoliad 3(1)(d), yn lle “Rheoliadau 2005”, rhodder “Rheoliadau 2015”.

Diwygio Rheoliadau Cymwysterau Athrawon Ysgol (Cymru) 2012

3.—(1) Mae Rheoliadau Cymwysterau Athrawon Ysgol (Cymru) 2012(4) wedi eu diwygio fel a ganlyn.

PART 1

Introduction

Title, commencement, application and revocation

1.—(1) The title of these Regulations is the Teachers' Qualifications (Amendment) (Wales) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

(3) These Regulations apply in relation to Wales.

(4) The General Teaching Council (Registration of Temporary Teachers from Relevant European States) (England and Wales) Regulations 2009(1) are revoked.

PART 2

Amendment of subordinate legislation

Amendment of the Head Teachers' Qualifications and Registration (Wales) Regulations 2005

2.—(1) The Head Teachers' Qualifications and Registration (Wales) Regulations 2005(2) are amended as follows.

(2) In regulation 2, for the definition of “the 2005 Regulations”, substitute—

““the 2015 Regulations” (*“Rheoliadau 2015”*) means the European Union (Recognition of Professional Qualifications) Regulations 2015(3)”.

(3) In regulation 3(1)(e) for “the 2005 Regulations”, substitute “the 2015 Regulations”.

Amendment of the School Teachers' Qualifications (Wales) Regulations 2012

3.—(1) The School Teachers' Qualifications (Wales) Regulations 2012(4) are amended as follows.

(1) O.S. 2009/3200, dirymwyd y Rheoliadau hyn o ran Lloegr gan O.S. 2012/1153.
(2) O.S. 2005/1227 (Cy. 85), fel y'i diwygiwyd gan O.S. 2011/1769 (Cy. 196).
(3) O.S. 2015/2059, a ddiwygiwyd gan adran 211 o Ddeddf Diogelu Data 2018 (p. 12) ac Atodlen 19 iddi, O.S. 2016/696, 2016/1094, 2016/1030, O.S. 2018/838.
(4) O.S. 2012/724 (Cy. 96), fel y'i diwygiwyd gan O.S. 2015/484 (Cy. 41).

(1) S.I. 2009/3200 these regulations were revoked in relation to England by S.I. 2012/1153.
(2) S.I. 2005/1227 (W.85), as amended by S.I. 2011/1769 (W.196).
(3) S.I. 2015/2059, amended by section 211 of, and Schedule 19 to the Data Protection Act 2018 (c. 12), S.I. 2016/696, 2016/1094, 2016/1030, S.I. 2018/838.
(4) S.I. 2012/724 (W.96), as amended by S.I. 2015/484 (W.41).

(2) Yn lle paragraff 4 o Atodlen 2, rhodder—

“4.—(1) Personau sydd â'r hawlogoath, mewn perthynas â phroffesiwn athro neu athrawes ysgol, i ymarfer yn unol â Rheoliadau 2007 neu Reoliadau'r Undeb Ewropeaidd 2015, gan gynnwys yn unol ag—

- (a) penderfyniad a wneir neu hawl a gronnir o dan Reoliadau 2007 neu Reoliadau'r Undeb Ewropeaidd 2015 cyn y diwrnod ymadael yn unol â pharagraff 40 o Atodlen 1 i Reoliadau Cydnabod Cymwysterau Proffesiynol (Diwygio etc.) (Ymadael â'r UE) 2019(1);
- (b) penderfyniad neu ddyfarniad a wneir o dan Reoliadau'r Undeb Ewropeaidd 2015 yn unol â pharagraff 44 o Atodlen 1 i Reoliadau Cydnabod Cymwysterau Proffesiynol (Diwygio etc.) (Ymadael â'r UE) 2019; neu
- (c) penderfyniad neu ddyfarniad a wneir o dan Reoliadau 2007 yn unol â pharagraff 48 o Atodlen 1 i Reoliadau Cydnabod Cymwysterau Proffesiynol (Diwygio etc.) (Ymadael â'r UE) 2019.

(2) Yn y paragraff hwn—

ystyr “Rheoliadau 2007” (“*the 2007 Regulations*”) yw Rheoliadau'r Cymunedau Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2007(2);

ystyr “Rheoliadau'r Undeb Ewropeaidd 2015” (“*the 2015 European Union Regulations*”) yw Rheoliadau'r Undeb Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2015(3).”

(3) Ar ôl paragraff 4 o Atodlen 2, mewnosoder—

“4A.—(1) Yn ddarostyngedig i is-baragraffau (2) a (3), personau nas crybwyllir yn unrhyw baragraff arall o'r Atodlen hon ac sy'n meddu ar gymwysterau neu hyfforddiant proffesiynol ffurfiol sy'n caniatáu iddynt gael mynediad i broffesiwn athro neu athrawes ysgol, neu ddilyn y proffesiwn hwnnw, mewn ysgol a gyllidir yn gyfan gwbl neu'n bennaf gan y llywodraeth yn y wladwriaeth y dyfarnwyd y cymhwyster ynddi neu yr ymgwymerwyd â'r hyfforddiant ynddi.

(2) For paragraph 4 of Schedule 2, substitute—

“4.—(1) Persons who as respects the profession of school teacher are, entitled to practice pursuant to the 2007 Regulations or the 2015 European Union Regulations, including pursuant to —

- (a) a decision taken or right accrued under the 2007 Regulations or the 2015 European Union Regulations before exit day in accordance with paragraph 40 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019(1);
- (b) a decision taken or determination made under the 2015 European Union Regulations in accordance with paragraph 44 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019; or
- (c) a decision taken or determination made under the 2007 Regulations in accordance with paragraph 48 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019.

(2) In this paragraph—

“the 2007 Regulations” (“*Rheoliadau 2007*”) means the European Communities (Recognition of Professional Qualifications) Regulations 2007(2);

“the 2015 European Union Regulations” (“*Rheoliadau'r Undeb Ewropeaidd 2015*”) means the European Union (Recognition of Professional Qualifications) Regulations 2015(3).”

(3) After paragraph 4 of Schedule 2, insert—

“4A.—(1) Subject to sub-paragraphs (2) and (3), persons who are not mentioned in any other paragraph of this Schedule and who possess formal professional qualifications or training that allow them to access or pursue the profession of a school teacher in a school that is wholly or mainly government funded in the state in which the qualification was awarded or where the training was undertaken.

(1) O.S. 2019/312

(2) O.S. 2007/2871, fel y'i diwygiwyd gan O.S. 2015/2059.

(3) O.S. 2015/2059, a ddiwygiwyd gan adran 211 o Ddeddf Diogelu Data 2018 (p. 12) ac Atodlen 19 iddi, O.S. 2016/696, 2016/1094, 2016/1030, O.S. 2018/838.

(1) S.I. 2019/312

(2) S.I. 2007/2871, as amended by S.I. 2015/2059.

(3) S.I. 2015/2059, amended by section 211 of, and Schedule 19 to the Data Protection Act 2018 (c. 12), S.I. 2016/696, 2016/1094, 2016/1030, S.I. 2018/838.

(2) Nid yw'r cymwysterau neu'r hyfforddiant proffesiynol a grybwyllir yn is-baragraff (1), ym marn Gweinidogion Cymru, yn sylweddol wahanol i'r cymwysterau neu'r hyfforddiant proffesiynol penodol sy'n ofynnol i gael mynediad i broffesiwn athro neu athrawes ysgol yng Nghymru neu i ddilyn y proffesiwn hwnnw.

(3) Nid yw personau yn destun unrhyw benderfyniad gan gorff, neu achosion gerbron corff sy'n cyfyngu neu a all gyfyngu ar allu person i addysgu mewn unrhyw wladwriaeth neu sydd wedi eu gwahardd fel arall rhag cael mynediad i broffesiwn athro neu athrawes ysgol neu rhag dilyn y proffesiwn hwnnw."

Diwygio Rheoliadau Cyngor y Gweithlu Addysg (Prif Swyddogaethau) (Cymru) 2015

4.—(1) Mae Rheoliadau Cyngor y Gweithlu Addysg (Prif Swyddogaethau) (Cymru) 2015(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 7(1), yn lle "bodloni un neu fwy o'r amodau", rhodder "bodloni'r amod a ganlyn".

(3) Yn rheoliad 7(2), hepgorer "cyntaf".

(4) Mae rheoliad 7(3) wedi ei ddirymu.

Diwygio Gorchymyn Cyngor y Gweithlu Addysg (Swyddogaethau Ychwanegol a Dirymu) (Cymru) 2015

5.—(1) Mae Gorchymyn Cyngor y Gweithlu Addysg (Swyddogaethau Ychwanegol a Dirymu) (Cymru) 2015(2) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 2—

(a) hepgorer y diffiniad o "y Gyfarwyddeb";

(b) yn lle'r diffiniad o "y Rheoliadau", rhodder—

"ystyr "y Rheoliadau" (*"the Regulations"*) yw Rheoliadau'r Undeb Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2015(3);".

(3) Yn erthygl 3(1) hepgorer "at ddiben y Gyfarwyddeb".

(2) The professional qualifications or training mentioned in sub-paragraph (1) are not, in the opinion of the Welsh Ministers, substantially different to the specific professional qualifications or training required to access or pursue the profession of school teacher in Wales.

(3) Persons are not the subject of any decision of, or proceedings before, a body, which restricts or may restrict a person's ability to teach in any state or who have been otherwise barred from accessing or pursuing the profession of school teacher."

Amendment of the Education Workforce Council (Main Functions) (Wales) Regulations 2015

4.—(1) The Education Workforce Council (Main Functions) (Wales) Regulation 2015(1) are amended as follows.

(2) In regulation 7(1) for "one or more of the conditions", substitute "the following condition".

(3) In regulation 7(2) omit "first".

(4) Regulation 7(3) is revoked.

Amendment of the Education Workforce Council (Additional Functions and Revocation) (Wales) Order 2015

5.—(1) The Education Workforce Council (Additional Functions and Revocation) (Wales) Order 2015(2) is amended as follows.

(2) In article 2—

(a) omit the definition of "the Directive";

(b) for the definition of "the Regulations", substitute—

"the Regulations means "the European Union (Recognition of Professional Qualifications) Regulations 2015(3);".

(3) In article 3(1) omit "for the purpose of the Directive".

(1) O.S. 2015/140 (Cy. 8).

(2) O.S. 2015/194 (Cy. 9).

(3) O.S. 2015/2059, a ddiwygiwyd gan adran 211 o Ddeddf Diogelu Data 2018 (p. 12) ac Atodlen 19 iddi, O.S. 2016/696, 2016/1094, 2016/1030, O.S. 2018/838.

(1) S.I. 2015/140 (W.8).

(2) S.I. 2015/194 (W.9).

(3) S.I. 2015/2059, amended by section 211 of, and Schedule 19 to the Data Protection Act 2018 (c. 12), S.I. 2016/696, 2016/1094, 2016/1030, S.I. 2018/838.

Diwygio Rheoliadau Addysg (Trefniadau Sefydlu ar gyfer Athrawon Ysgol) (Cymru) 2015

6.—(1) Mae Rheoliadau Addysg (Trefniadau Sefydlu ar gyfer Athrawon Ysgol) (Cymru) 2015(1) wedi eu diwygio fel a ganlyn.

(2) Yn lle paragraff 8 o Atodlen 2, rhodder—

“8. Person sy’n athro neu athrawes gymwysedig a ddaeth yn gymwysedig felly yn rhinwedd rheoliad 5 o Reoliadau Cymwysterau Athrawon Ysgol a chan baragraff 4 neu 4A o Atodlen 2 iddynt.”

Amendment of the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015

6.—(1) The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015(1) are amended as follows.

(2) For paragraph 8 of Schedule 2, substitute—

“8. A person who is a qualified teacher who became so qualified by virtue of regulation 5 of, and paragraph 4 or 4A of Schedule 2 to, the School Teachers’ Qualifications Regulations.”

Kirsty Williams

Y Gweinidog Addysg, un o Weinidogion Cymru
4 Mawrth 2019

Minister for Education, one of the Welsh Ministers
4 March 2019

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