STATUTORY INSTRUMENTS

1999 No. 1619

EDUCATION, ENGLAND AND WALES

WALES

The General Teaching Council for Wales (Constitution) Regulations 1999

Made - - - - 7th June 1999

Coming into force in accordance with article 1

In exercise of the powers conferred on the Secretary of State by sections 1(5) and (7) and 42(6) and (7) of, and paragraph 3 of Schedule 1 to, the Teaching and Higher Education Act 1998**(a)**, the Secretary of State for Wales hereby makes the following Regulations, a draft of which has been laid before, and approved by, each House of Parliament:

Citation, commencement and interpretation

1. These Regulations may be cited as the General Teaching Council for Wales (Constitution) Regulations 1999 and shall come into force on the fourteenth day after the day on which they were made.

2.—(1) In these Regulations–

"the 1996 Act" means the Education Act 1996**(b)**;

"the 1988 Act" means the Education Reform Act 1988**(c)**;

"the 1998 Act" means the Teaching and Higher Education Act 1998;

"the Council" means the General Teaching Council for Wales;

"members" means members of the General Teaching Council for Wales;

"primary school" has the meaning assigned to it by section 5(1) of the 1996 Act except that it does not include a special school;

"secondary school" has the meaning assigned to it by section 5(2) of the 1996 Act except that it does not include a special school;

"special school" has the meaning assigned to it by section 337 of the 1996 Act**(d)**.

(2) In these Regulations "teacher" means–

(a) on and after the date of establishment of a register of teachers under section 3 of the 1998 Act, a registered teacher; and

(b) before that date, a qualified teacher within the meaning of section 218(2) of the 1988 Act**(e)**.

(a) 1998 c. 30; for the meaning of "prescribed" and "regulations" see section 43(1).
(b) 1996 c. 56.
(c) 1988 c. 40.
(d) Section 337 is prospectively amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.
(e) The regulations currently in force under subsection (2) are the Education (Teachers) Regulations 1993 (S.I. 1993/543) amended by S.I. 1994/222, 1995/2594, 1997/368 and 2679 and 1998/1584.

(3) In these Regulations a reference to a regulation is a reference to a regulation contained herein, a reference in a regulation to a paragraph is a reference to a paragraph of that regulation, and a reference to a Schedule is a reference to the Schedule to these Regulations.

Membership

3. The Council shall consist of elected members elected in accordance with regulations 4 and 6 and appointed members appointed in accordance with regulations 7 and 8.

Elected members

4. The elected members shall comprise–

(a) four secondary school teachers;

(b) four primary school teachers;

(c) four head or deputy head teachers.

Eligibility for election, appointments and to vote in elections

5.—(1) No person shall be eligible for election under regulation 4 or for appointment under regulation 11(1)(a) unless he is–

(a) employed or engaged to provide his services as a teacher at the date of his election or appointment to the Council or he has been so employed or engaged within one year preceding that date; and

(b) he has been employed or engaged to provide his services as a teacher for an aggregate period of two years or more in the five years preceding his election or appointment to the Council.

(2) No person shall be eligible for election under regulation 4, for appointment under regulation 7, 8 or 11 or to vote in an election for elected members under a scheme made under regulation 6 at any time when–

(a) his employment as a teacher is prohibited or restricted under regulations made under section 218(6) of the 1988 Act**(a)**;

(b) he is subject to a disciplinary order under Schedule 2 to the 1998 Act by virtue of which he is not eligible for registration as a registered teacher;

(c) he is disqualified from being employed as a teacher in any school by virtue of an order made–

(i) by an Independent Schools Tribunal under section 470 of the 1996 Act, or

(ii) by the Secretary of State under section 471 of the 1996 Act; or

(d) he is ineligible for registration as a teacher, or disqualified from being a teacher in any school, by virtue of any provisions of the law of Scotland or of Northern Ireland.

Scheme for elections

6.—(1) The election of elected members before the establishment of the Council shall be conducted in accordance with an electoral scheme made by the Secretary of State.

(2) The election of elected members after the establishment of the Council shall be conducted in accordance with an electoral scheme set out in rules made by the Council with the approval of the Secretary of State.

(3) An electoral scheme under paragraph (1) may be amended or revoked by a subsequent scheme of the Secretary of State and an electoral scheme under paragraph (2) may be amended or revoked by a subsequent scheme of the Council with the approval of the Secretary of State.

(4) An electoral scheme under paragraph (1) or (2) shall include provision for–

(a) the appointment of a returning officer and other staff in connection with the holding of elections;

(a) Section 218(6) was amended by section 290(3) of the Education Act 1993 (c. 35). The current regulations are the Education (Teachers) Regulations 1993 (S.I. 1993/543): the relevant amending instrument is S.I. 1995/2594.

(b) the making up of a roll of teacher electors in Wales showing the category of elected member for which each is entitled to vote;

(c) the determination of the category of elected member for which each elector is entitled to vote;

(d) the giving of notice of holding of an election;

(e) the nomination of candidates; and

(f) any other matter necessary for the holding of elections.

(5) Elections shall be held every four years.

Members appointed by the Secretary of State after nomination

7.—(1) Nine members shall be appointed by the Secretary of State from a list of persons who have been nominated by one or more of the organisations set out in the Schedule.

(2) In making appointments under paragraph (1) the Secretary of State shall, so far as possible, ensure that four of the members so appointed are persons nominated by an organisation set out in Part One of the Schedule.

(3) The Secretary of State shall not appoint under paragraph (1) a person nominated by an organisation set out in Part One of the Schedule unless that person satisfies the criteria set out in regulation 5(1).

(4) Members appointed under paragraph (1) shall act as individual members and not as representatives of the organisation which nominated them.

Members appointed by the Secretary of State without nomination

8. Four members shall be appointed by the Secretary of State.

Exercise of power of appointment

9. In making appointments under regulation 7, 8 or 11(1)(b) or (c) the Secretary of State shall ensure that a majority of the members of the Council satisfy the criteria set out in regulation 5(1).

Term of office

10.—(1) The term of office of an elected member is four years.

(2) The Secretary of State shall specify the term of office of a member appointed under regulation 7, 8 or 11(1)(b) or (c), but the term of office of such a member shall not exceed five years.

(3) A member may resign at any time by giving notice in writing addressed to the chief officer of the Council.

(4) A member may be removed from office by a majority vote of other members if without good cause–

(a) he has been absent from three consecutive Council meetings; or

(b) he has been absent from meetings for a period of six months or more starting with the date on which he last attended a Council meeting,

provided that he has been given the opportunity to be heard at the meeting at which the vote is taken.

(5) A member shall cease to hold office if–

(a) his employment as a teacher is prohibited or restricted under regulations made under section 218(6) of the 1988 Act;

(b) a disciplinary order is made in respect of him under Schedule 2 to the 1998 Act by virtue of which he is not eligible for registration as a registered teacher;

(c) he is disqualified from being employed as a teacher in any school by virtue of an order made–

(i) by an Independent Schools Tribunal under section 470 of the 1996 Act, or

(ii) by the Secretary of State under section 471 of the 1996 Act; or

(d) he becomes ineligible for registration as a teacher, or he is disqualified from being a teacher in any school, by virtue of any provisions of the law of Scotland or Northern Ireland.

(6) After their establishment the Council may make rules prescribing further grounds on which a member may be removed from office and the procedure for removal, and rules made under this paragraph may be amended or revoked by subsequent rules.

Casual vacancies

11.—(1) Where a vacancy occurs among members otherwise than by the expiry of a member's term of office–

(a) if the vacancy is among the elected members, the vacancy shall be filled by the person receiving the next highest number of votes in the election of the member who has vacated office, and if no such person is available the Council shall fill the vacancy by co-opting a person of like electoral qualifications as the member who has vacated office;

(b) if the vacancy is among members appointed under regulation 7, the vacancy shall be filled by the Secretary of State by appointing a person from the list of nominees most recently provided for the purposes of appointments under that regulation; and

(c) if the vacancy is among members appointed under regulation 8, the vacancy shall be filled by an appointment made by the Secretary of State.

(2) A person appointed under paragraph (1)(a) to fill a vacancy holds office until the date on which the term of office of the member whose vacancy he fills would have expired.

(3) For the purposes of paragraph (1)(a) a person appointed as a replacement for an elected member shall be treated as an elected member.

Chairman

12.—(1) Before the Council have been established the Secretary of State may appoint a chairman on such terms as he thinks fit.

(2) After the Council have been established they shall elect a chairman from amongst their number.

(3) The chairman–

(a) may resign as chairman by giving notice in writing addressed to the chief officer of the Council; and

(b) may be removed as chairman by a two-thirds majority vote of the other members.

(4) After the Council have been established, the Council may make further rules with respect to the election of the Chairman and as to the period for which he holds office, and rules made under this paragraph may be amended or revoked by subsequent rules.

Signed by authority of the Secretary of State for Wales

Peter Hain
Parliamentary Under Secretary of State,
Welsh Office

7th June 1999

SCHEDULE

Regulation 7

ORGANISATIONS ENTITLED TO NOMINATE PERSONS FOR APPOINTMENT BY THE SECRETARY OF STATE

PART ONE

1. National Union of Teachers (Cymru)
2. National Association of Schoolmasters Union of Women Teachers (Cymru)
3. Secondary Heads Association in Wales
4. Professional Association of Teachers
5. National Association of Head Teachers in Wales
6. Undeb Cenedlaethol Athrawon Cymru
7. Association of Teachers and Lecturers
8. NATFHE – The University and College Lecturers' Union

PART TWO

9. Fforwm Ltd
10. Further Education National Training Organisation
11. National Association for Special Educational Needs
12. Wales Special Needs Action Group
13. Association of Directors of Education in Wales
14. Welsh Local Government Association
15. Council of Welsh TECs Ltd
16. Governors Wales (Confederation of School Governors Associations in Wales)
17. Roman Catholic Church in Wales
18. Church in Wales
19. Churches Joint Education Policy Committee
20. Heads of Higher Education Wales
21. University Council for the Education of Teachers Cymru
22. Confederation of British Industry Wales
23. Council for Industry and Higher Education
24. Parent Teacher Associations of Wales
25. Independent Schools Information Service Wales
26. Head Masters' and Headmistresses' Conference
27. Independent Schools Council
28. Welsh Secondary Schools Association
29. Welsh Primary Schools Association
30. Institute of Directors
31. Welsh Association of Standing Advisory Councils on Religious Education
32. Federation of Small Businesses
33. Association of Directors of Social Services in Wales
34. Wales Council for Voluntary Action

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the constitution of the General Teaching Council for Wales. The Council will consist of twelve elected teacher members, nine members appointed by the Secretary of State from nominees of organisations set out in the Schedule and four members appointed by the Secretary of State.

The Regulations make provision for the initial elections of elected members to be organised in accordance with a scheme made by the Secretary of State. Subsequent elections will be organised by the Council.

The Regulations also make provision for the appointment of the first Chairman and subsequent election of a Chairman by the Council, the vacation of office by members and by the Chairman in certain circumstances, and the filling of such vacancies.

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