

2019 No. (W.)

**EXITING THE EUROPEAN UNION,
WALES**

EDUCATION, WALES

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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.

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

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

The Regulations apply in relation to Wales.

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

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Sift requirements satisfied ***

Made ***

Laid before the National Assembly for Wales

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by section 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, 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 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.

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”.

(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.

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

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

(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 2018;
- (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 2018; 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 2018.

(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

(1) S.I. 2012/724 (W.96), as amended by S.I. 2015/484 (W..41).

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

Professional Qualifications) Regulations
2015(1).”

(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.

(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(2) 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.

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

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⁽¹⁾ 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⁽²⁾”;

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

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

6.—(1) The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015⁽³⁾ 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.”

Name

Minister for Education, one of the Welsh Ministers

Date

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

(2) 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.

(3) S.I. 2015/484 (W.41)