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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1227 (W.85)**

**EDUCATION, WALES**

**The Head Teachers' Qualifications and  
Registration (Wales) Regulations 2005**

*Made* - - - - 26 April 2005

*Coming into force* - - 1 September 2005

In exercise of the powers conferred on the National Assembly for Wales by sections 134, 135, 145(1) and (2) and 210(7) of the Education Act 2002(1) the National Assembly for Wales hereby makes the following Regulations:

**Name, commencement and application**

1.—(1) These Regulations are called the Head Teachers' Qualifications and Registration (Wales) Regulations 2005 and come into force on 1 September 2005.

(2) These Regulations apply in relation to Wales.

(3) These Regulations do not apply to a person who before the coming into force of these Regulations has been appointed as the head teacher of:

- (a) a school in Wales or England maintained by a local education authority or a special school in Wales or England not so maintained by a local education authority;
- (b) an independent school in Wales or England; or
- (c) a similar educational institution outside Wales or England.

(4) These Regulations do not apply to Pupil Referral Units.

**Commencement Information**

**II** [Reg. 1](#) in force at 1.9.2005, see [reg. 1\(1\)](#)

**Interpretation**

2. In these Regulations:

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Head Teachers' Qualifications and Registration (Wales) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“the 2005 Regulations” (“*Rheoliadau 2005*”) means [<sup>F1</sup>The European Communities (Recognition of Professional Qualifications) Regulations 2007];

“National Assembly” (“*Cynulliad Cenedlaethol*”) means National Assembly for Wales; and

“school” (“*ysgol*”) means, (unless the context requires otherwise), a school maintained by a local education authority or a special school not so maintained.

**F1** Words in [reg. 2](#) substituted (20.10.2007) by [The Education \(Amendments to Regulations regarding the Recognition of Professional Qualifications\) \(Wales\) Regulations 2007 \(S.I. 2007/2811\)](#), regs. 1(1), 4

#### Commencement Information

**I2** [Reg. 2](#) in force at 1.9.2005, see [reg. 1\(1\)](#)

### Headship Qualification

**3.—(1)** Subject to regulation 5 a person may only serve as a head teacher of a school if he or she holds:—

- (a) the National Professional Qualification for Headship in Wales;
- (b) the National Professional Qualification for Headship in England<sup>(2)</sup>;
- (c) the Scottish Standard for Headship<sup>(3)</sup>;
- (d) the Professional Qualification for Headship in Northern Ireland<sup>(4)</sup>;
- (e) a qualification which has equivalent effect by virtue of the 2005 Regulations.

(2) The National Professional Qualification for Headship in Wales means the qualification awarded by the National Assembly to a person if it is satisfied that the person has successfully completed such course of training as the National Assembly may from time to time approve for the purposes of the award of that qualification.

#### Commencement Information

**I3** [Reg. 3](#) in force at 1.9.2005, see [reg. 1\(1\)](#)

### Requirement to be qualified

**4.** A person may serve as the head teacher of a school only if he or she:

- (a) is a qualified teacher; or
- (b) has a qualification which has equivalent effect by virtue of the 2005 Regulations.

#### Commencement Information

**I4** [Reg. 4](#) in force at 1.9.2005, see [reg. 1\(1\)](#)

(2) The Education (Head Teachers' Qualifications) (England) Regulations 2003, (S.I.2003/3111), are the current Regulations which provide for this. The National Professional Qualification for Headship in England is awarded by the National College for School Leadership Limited.

(3) The Scottish Standard for Headship is currently achieved by undertaking the Scottish Qualification for Headship.

(4) The Professional Qualification for Headship in Northern Ireland is awarded by the Regional Training Unit in Northern Ireland.

### Requirement to be registered

5. A person may serve as the head teacher of a school only if he or she is registered under section 3 of the Teaching and Higher Education Act 1998, (register maintained by the General Teaching Council for Wales)(5).

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#### Commencement Information

**I5** [Reg. 5](#) in force at 1.9.2005, see [reg. 1\(1\)](#)

### Acting head teachers

6. A person carrying out the functions of the head teacher of a school —

- (a) pending the appointment of a head teacher, or
- (b) in the absence of a head teacher,

is not serving as the head teacher of the school for the purposes of these Regulations.

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#### Commencement Information

**I6** [Reg. 6](#) in force at 1.9.2005, see [reg. 1\(1\)](#)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6).

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(5) 1998 c. 30.  
(6) 1998 c. 38.

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## EXPLANATORY NOTE

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

These Regulations, which apply in relation to Wales, make provision requiring first time head teachers of schools maintained by a local education authority and special schools which are not so maintained and who are appointed as a head teacher on or after 1 September 2005 to:

- (i) hold the National Professional Qualification for Headship in Wales or its equivalent in England, Scotland or Northern Ireland;
- (ii) be qualified teachers; and
- (iii) be registered as teachers.

Migrant workers from other Member States within the European Union, Iceland, Norway, Liechtenstein or Switzerland will be required to hold equivalent qualifications.

By virtue of regulation 8, a person who is carrying out the functions of a head teacher pending the appointment of a head teacher, or in the absence of a head teacher, ('an acting head teacher') is not a head teacher for the purposes of these Regulations.

These Regulations do not apply to Pupil Referral Units.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- reg. 2 words substituted by [S.I. 2019/444 reg. 2\(2\)](#)
- reg. 3(1)(e) words substituted by [S.I. 2019/444 reg. 2\(3\)](#)
- reg. 3(2) words substituted by [S.I. 2011/1769 reg. 2\(2\)](#)