
STATUTORY INSTRUMENTS

1999 No. 2243

The Education (New Schools) (Wales) Regulations 1999

PART II

**ARRANGEMENTS FOR THE COMPOSITION
OF TEMPORARY GOVERNING BODIES**

Application of Part II

4.—(1) This Part—

- (a) except for regulation 8, shall not apply in any case to which regulation 13 of the School Organisation Regulations applies;
- (b) shall not apply in any case to which regulation 13 of the Second Transitional Regulations applies.

(2) In this Part any reference (however framed) to proposals published under section 28 or 31 of the 1998 Act to establish a school shall include proposals which have been published or notice of which has been served under the 1996 Act before 1st September 1999 and to which regulation 8 (approval of proposals published before 1st September 1999 to establish a new school) of the School Organisation Regulations applies.

Arrangements made in anticipation of approval of proposals

5.—(1) Where any proposals to establish a school have been published under section 28 or 31 of, or paragraph 5 of Schedule 7 to, the 1998 Act the local education authority may make arrangements under section 44(1) of the 1998 Act in anticipation of approval of the proposals under paragraph 8 of Schedule 6 or approval or adoption of proposals under paragraph 14 of Schedule 7 to that Act or, as the case may be, the determination by the body or promoters by whom the proposals were published under paragraph 9 of Schedule 6 to that Act that they should be implemented.

(2) If the proposals are published under section 28(2)(a) of the 1998 Act and are proposals to establish a voluntary controlled school, the local education authority shall consult the promoters—

- (a) as to whether the power given to the local education authority in paragraph (1) above should be exercised; and
- (b) if the local education authority propose to exercise it, as to the date on which the arrangements should be made.

(3) If the proposals are published under section 28(2)(a) of the 1998 Act and the proposals are to establish a voluntary aided or foundation school, the local education authority and the promoters shall consider—

- (a) whether the power given to the local education authority in paragraph (1) above should be exercised; and
- (b) where they agree that it should, on what date the arrangements should be made.

(4) Where in a case falling within paragraph (3) the local education authority and the promoters fail to agree on the question mentioned in sub-paragraph (a) or on that mentioned in sub-paragraph (b) either of them may refer the matter to the Assembly and on a reference under this paragraph the Assembly shall give such direction as they think fit.

Agreements necessary for arrangements

6.—(1) Where proposals to establish a foundation school have been published by promoters under section 28(2) of the 1998 Act a local education authority shall not make arrangements under section 44(1) of the 1998 Act in respect of the school without the agreement of the promoters as to the provision which will be made in relation to the temporary foundation governors.

(2) A local education authority shall not make arrangements in respect of a school which will be a voluntary school without the agreement of the promoters as to the provision which will be made in relation to the temporary foundation governors.

(3) In the event of any disagreement between the local education authority and the promoters in respect of the provisions referred to in paragraph (1) or (2) either of them may refer the matter to the Assembly, and on a reference under this paragraph the Assembly shall give such direction as they think fit.

Termination of arrangements

7. Any arrangements made in relation to a proposed school under section 44(1) of the 1998 Act (including those mentioned in regulation 5(1)) shall come to an end if—

- (a) the proposals are withdrawn;
- (b) the proposals are rejected under paragraph 8 of Schedule 6 or paragraph 14 of Schedule 7 to the 1998 Act;
- (c) (in the case of proposals not requiring approval under paragraph 8 of Schedule 6 to the 1998 Act) the body or promoters by whom the proposals were published determine under paragraph 9 of Schedule 6 to the 1998 Act not to implement them; or
- (d) the Assembly determine under paragraph 10(3) of Schedule 6 to the 1998 Act that paragraph 10(1) of that Schedule should cease to apply to the proposals.

Termination of arrangements: transitional provision

8.—(1) This regulation applies where—

- (a) an arrangement has been made before 1st September 1999 under section 96(3) or 97(2) of the 1996 Act in anticipation of approval of proposals; and
- (b) regulation 13 of the School Organisation Regulations applies in relation to the temporary governing body constituted by the arrangement.

(2) Where this regulation applies—

- (a) sections 96(4) and 97(7) of the 1996 Act shall continue to apply in relation to the termination of the arrangement; and
- (b) the arrangement shall also come to an end if the Assembly determine under paragraph 10(3) of Schedule 6 to the 1998 Act that paragraph 10(1) of that Schedule should cease to apply to the proposals.