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WELSH STATUTORY INSTRUMENTS

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**2005 No. 2912**

**The New Maintained Schools (Wales) Regulations 2005**

**PART 1**

Introduction

**Title, commencement and application**

1.—(1) The title of these Regulations is the New Maintained Schools (Wales) Regulations 2005 and they come into force on 31 October 2005

(2) These regulations apply in relation to Wales.

**Revocation, savings and transitional provisions**

2.—(1) The Education (Government of New Schools on Transition to New Framework) Regulations 1998(1) are revoked in relation to Wales.

(2) Parts I to V, VII and VIII of the Education (New Schools) (Wales) Regulations 1999(2) (“the 1999 Regulations”) are revoked save as provided in paragraphs (3) and (4).

(3) Part I of the 1999 Regulations continue to have effect in so far as it relates to Part VI.

(4) Parts I to IV of the 1999 Regulations continue to have effect in relation to any temporary governing body established prior to the coming into force of these Regulations.

**Interpretation**

3.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996(3);

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998;

“the 2000 Act” (“*Deddf 2000*”) means the Learning and Skills Act 2000(4);

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002;

“the Government Regulations” (“*y Rheoliadau Llywodraethu*”) means the Government of Maintained Schools (Wales) Regulations 2005(5);

“head teacher” (“*pennaeth*”) includes a person who has been appointed as the head teacher of a new school but who has not yet taken up the post;

“local education authority” (“*awdurdod addysg lleol*”) means the local education authority by which a maintained school is, or a proposed such school is to be, maintained;

“new school” (“*ysgol newydd*”) has the meaning given by section 72(3) of the 1998 Act;

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(1) S.I. 1998/3097.

(2) S.I. 1999/2243 (W.3).

(3) 1996 c. 56.

(4) 2000 c. 21.

(5) S.I. 2005/2914 (W. 211).

“pupil” (“*disgybl*”) has the meaning given by section 3 of the Education Act 1996(6); and  
“school teacher” (“*athro neu athrawes ysgol*”) has the meaning given by section 122 of the 2002 Act.

(2) In these Regulations, references to a school having a delegated budget are to be interpreted in accordance with section 39(2) of the 2002 Act.

(3) In these Regulations the “general modifications” mean the following modifications to the Government Regulations—

- (a) “new school” is substituted for “school” and “maintained school”;
  - (b) “temporary” is inserted before the words “governing body”, “governor” and “governorship”;
  - (c) references to a particular category of governor are to be read as references to the corresponding categories of temporary governor set out in Part 3 of these Regulations; and
  - (d) references to a head teacher are to include a person who has been appointed as the head teacher of a new school but who has not yet taken up the post.
- (4) Any reference in these Regulations to—
- (a) a committee is a reference to a committee established by the temporary governing body to which the temporary governing body has delegated any of its statutory functions;
  - (b) a temporary governing body is a reference to the temporary governing body of any school or proposed school in respect of which the provision applies;
  - (c) a temporary governor of a particular category is to be interpreted in accordance with Part 3.
- (5) Unless the context otherwise requires, any reference in these Regulations to—
- (a) a numbered regulation is a reference to the regulation bearing that number in these Regulations;
  - (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears; and
  - (c) a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference appears.

### **Service of notices**

**4.** Any notice required to be served by or under these Regulations must be served in accordance with section 572 of the 1996 Act.

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(6) Section 3 was amended by paragraph 34 of Schedule 21 to the Education Act 2002.