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WELSH STATUTORY INSTRUMENTS

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**2010 No. 638**

**The Federation of Maintained Schools and  
Miscellaneous Amendments (Wales) Regulations 2010**

**PART 1**

**INTRODUCTION**

**Title, commencement and application**

1.—(1) The title of these Regulations is the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010 and they come into force on 12 April 2010.

(2) These Regulations apply in relation to Wales.

**Interpretation**

2.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996<sup>(1)</sup>

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998<sup>(2)</sup>;

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

“acting head teacher” (“*pennaeth dros dro*”) means a person appointed to carry out the functions of the head teacher of the school, pending the appointment of head teacher or in the absence of the head teacher;

“appropriate diocesan authority” (“*awdurdod esgobaethol priodol*”) has the meaning given by section 142(1) and (4) of the 1998 Act;

“appropriate religious body” (“*corff crefyddol priodol*”) in relation to a school designated under section 69(3) of the 1998 Act as having a religious character that is not a Church in Wales school or a Roman Catholic Church school, means the body that the Welsh Ministers consider appropriate in relation to the religion or religious denomination to which the school belongs;

“day” (“*diwrnod*”) means school day as defined by section 579 of the 1996 Act;

“the federation date” (“*y dyddiad ffedereiddio*”) means the date on which governing bodies federate;

“governing body” (“*corff llywodraethu*”) means a governing body incorporated under section 19(1) of the 2002 Act or these Regulations as appropriate;

“the Government of Maintained Schools Regulations” (“*y Rheoliadau Llywodraethu Ysgolion a Gynhelir*”) means the Government of Maintained Schools (Wales) Regulations 2005<sup>(3)</sup>;

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(1) 1996 c. 56.

(2) 1998 c. 31.

(3) S.I.2005/2914 (W.211) as amended by the School Councils (Wales) Regulations 2005 (S.I.2005/3200 (W.236)); and by the Staffing of Maintained Schools (Wales) Regulations 2006 (S.I. 2006/873 (W.81)) and by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007 (S.I. 2007/944 (W.80)), and by the Education (Miscellaneous Amendments relating to Safeguarding Children) (Wales) Regulations 2009 (S.I. 2009/2544 (W.206)).

“local authority” (“*awdurdod lleol*”) means the local education authority in Wales by which a maintained school is, or a proposed school is to be, maintained; and where a federation includes schools maintained by different local education authorities in Wales, “relevant local authority” (“*awdurdod lleol perthnasol*”) means the local education authority by which a maintained school is, or a proposed school is to be, maintained;

“the New Maintained Schools Regulations” (“*y Rheoliadau Ysgolion a Gynhelir Newydd*”) means the New Maintained Schools (Wales) Regulations 2005(4);

“new school” (“*ysgol newydd*”) has the same meaning as in regulation 3 of the New Maintained Schools Regulations;

“pupil” (“*disgybl*”) has the meaning given by section 3 of the 1996 Act;

“school council” (“*cyngor ysgol*”) means a council established in accordance with regulation 3 of the School Councils Regulations;

“the School Council Regulations” (“*y Rheoliadau Cynghorau Ysgol*”) means the School Councils (Wales) Regulations 2005(5);

“school teacher” (“*athro neu athrawes ysgol*”) is to be interpreted in accordance with section 122 of the 2002 Act;

“the Staffing Regulations” (“*y Rheoliadau Staffio*”) means the Staffing of Maintained Schools (Wales) Regulations 2006(6) and;

“working day” (“*diwrnod gwaith*”) means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of section 1 of the Banking and Financial Dealings Act 1971(7).

(2) Any reference in these Regulations to—

- (a) the governing body or governors of a school is to be construed, in relation to a federated school, as a reference to the governing body or governors of the federation; and
- (b) the instrument of government of a school is to be construed, in relation to a federated school, as a reference to the instrument of government of the federation.

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(4) S.I. 2005/2912 (W.209).

(5) S.I. 2005/3200 (W.236).

(6) S.I. 2006/873 (W.81) as amended by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007 (S.I. 2007/944 (W.80)) and by the Staffing of Maintained Schools (Amendment) (Wales) Regulations 2009 (S.I. 2009/2708 (W.226)) and by the Staffing of Maintained Schools (Amendment No. 2) (Wales) Regulations 2009 (S.I. 2009/3161 (W.275)).

(7) 1971 c. 80.