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## EXPLANATORY NOTE

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

From 1 September 1999, maintained schools are divided into the following categories: community; foundation; voluntary (comprising voluntary aided and voluntary controlled); community special; and foundation special. These Regulations prescribe a one year moratorium from 1 September 1999 during which schools in Wales will be unable to publish statutory proposals to change their category. This is to ensure a “settling in” period. The Regulations allow one exception: a change of category from voluntary aided to voluntary controlled where governing bodies of voluntary aided schools are unable to meet their financial liabilities. They lay down the procedures to be followed in such cases and provide for the transfer of staff and other matters. A more detailed explanation of the provisions of the Regulations is set out below.

**Regulation 3** provides for the moratorium referred to above to be for a period starting on 1st September 1999 and ending on 31st August 2000.

**Regulation 4** provides for the provisions of Regulations 5-9 to apply during the period of the moratorium in relation to proposals published under paragraph 3 of Schedule 8 to the Act and their implementation.

**Regulation 5** applies section 28 of, and Part II of Schedule 6 to, the Act, with modifications, in relation to proposals for a voluntary controlled school to become a voluntary aided school, and in relation to the implementation of such proposals. The provisions applied, and the modifications subject to which they are so applied, are set out in Schedule 1. To assist the reader, those provisions (as so applied with modifications) are set out in Schedule 2.

**Regulation 6** provides that on the implementation date (as defined in regulation 2(1) as “the date specified in the proposals as the date on which it is intended that the change of category should take place”) the school shall become a voluntary controlled school.

**Regulation 7** provides for the transfer of staff to the employment of the local education authority.

**Regulation 8 and Schedule 3** provide for the governing body and local education authority to make a new instrument of government for the school (in accordance with the legislative requirements referred to in that regulation), and for the governing body to be reconstituted in accordance with the instrument (and those requirements). The instrument of government must be made in the form (or substantially in the form) and in accordance with the directions set out in Schedule 3.

**Regulation 9** contains transitional provisions.