
EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations make provision for community, voluntary controlled, voluntary aided, and foundation schools to become another category of school within those categories, and for a community special school to become a foundation special school and a foundation special school a community special school.

Regulation 2: revokes the Education (Change of Category of Maintained Schools) (Wales) Regulations 1999, subject to savings.

Regulation 3: defines a number of words and expressions used in the Regulations.

Regulation 4: provides that where the Regulations provide for duties to be carried out within a time limit, the local education authority or governing body is not relieved of that duty if they fail to carry it out within the time limit imposed.

Regulation 5: imposes restrictions on schools changing category.

Regulation 6: sets out the types of proposals to which regulations 7–18 apply.

Regulation 7: provides for how proposals for a change of school category are to be made and dealt with, by applying, with modifications, provisions of section 28 of and Schedule 6 to the School Standards and Framework Act 1998 in relation to such proposals. The modifications are set out in Part I of Schedule 1 and Part II of that Schedule shows the effect of such modifications on section 28 and Schedule 6.

Regulation 8: provides that on the implementation date the school shall change category in accordance with the proposals.

Regulation 9 and Schedule 2: deal with the transfer of staff from local education authority employment to governing body employment and vice versa.

Regulations 10–12 and Schedule 3: deal with the making of new instruments of government and prescribe standard forms to be used. Schedule 12 to the 1998 Act, in its application to new instruments of government, is modified as provided in Part VI of Schedule 3.

Regulations 13–15: provide for the reconstitution of the governing body when a school changes category. Certain governors are allowed to remain in office and provision is made for the removal of any governors who are surplus to the requirements of the new instrument of government.

Regulation 16 and Schedule 4: provide for the transfer of land and associated rights and liabilities.

Regulations 17 and 18: contain transitional provisions for cases where there is a change of admission authority when the school changes category.