
WELSH STATUTORY INSTRUMENTS

2005 No. 2912

The New Maintained Schools (Wales) Regulations 2005

PART 6

General Conduct of New Schools

Conduct of the school before the school opening date

30.—(1) Subject to paragraph (2), section 61 of the 1998 Act and sections 27 and 28 of, and Schedule 1 to, the 2002 Act apply in relation to a proposed school⁽¹⁾ with the following modifications—

- (a) references to a governing body are treated as references to a temporary governing body;
- (b) references to a maintained school are treated as including a reference to a proposed maintained school;
- (c) references to the instrument of government are treated as references to the instrument of government whether or not it has taken effect; and
- (d) section 61(3)(b) and (7) of the 1998 Act and paragraph 2(2) and (3) of Schedule 1 to the 2002 Act do not apply.

(2) The temporary governing body of a proposed school which does not have a delegated budget may not exercise any of the powers set out in paragraph 3 (3)(b) to (f) of Schedule 1 to the 2002 Act (as modified) without the prior agreement in writing of—

- (a) the local education authority in the case of a proposed school which will be a community, voluntary controlled, community special or foundation special school, a maintained nursery school or a foundation school proposals for the establishment of which were published by a local education authority; or
- (b) the promoters in the case of a proposed school which will be a voluntary aided school or a foundation school, proposals for the establishment of which were published by promoters.

(1) Section 34(7) of the 2002 Act provides that for the purposes of section 30(3) of that Act and sections 495 to 498 of the 1996 Act, the temporary governing body is to be treated as if it was the governing body at any time before the school opening date.