

---

WELSH STATUTORY INSTRUMENTS

---

**2005 No. 2914**

**The Government of Maintained  
Schools (Wales) Regulations 2005**

**PART 8**

*Meetings and proceedings of governing bodies*

**Restrictions on delegation and specified committees**

**51.**—(1) The governing body may not delegate under regulation 50(1) its functions under the following regulations—

- (a) those in Part 2 (*categories of governors*);
- (b) those in Part 3 (*constitution of governing bodies*);
- (c) those in Part 4 (*removal of governors*);
- (d) those in Part 5 (*instruments of government*);
- (e) regulations 39 and 41 (*election and removal of chair and vice chair*);
- (f) regulation 42 (*appointment and removal of the clerk to the governing body*);
- (g) regulation 49 (*suspension of governors*);
- (h) regulation 50 (*delegation of functions*);
- (i) regulation 54 (*establishment of committees*)

nor may it delegate its functions in respect of head teacher and deputy head teacher selection panels under paragraph 6 of Schedule 16 and paragraphs 7 and 30 of Schedule 17 to the 1998 Act.

(2) The governing body may not delegate to an individual under regulation 50(1) —

- (a) the functions in:
  - (i) sections 28, 29, 30 and 31 of, and paragraph 10(4) of Schedule 6 to the 1998 Act (*Alteration or discontinuance of maintained schools*);
  - (ii) sections 28(1) and 31 of the 1998 Act as they have effect by virtue of Regulations made under Schedule 8 to the 1998 Act in relation to proposals under that Schedule (*Change of category of maintained schools*);
  - (iii) a scheme made by the local authority under section 48(1) of the 1998 Act, to the extent that it requires the governing body to give their approval to the first formal budget plan of the financial year;
  - (iv) section 61(1) to (3) of the 1998 Act (school discipline policies);
  - (v) sections 88, 89(2), 89A(3) 90(8) and 91 of the 1998 Act (*which relate to the determination of admission arrangements*), section 90(1) of the 1998 Act

---

(1) Amended by section 154 of the 2002 Act.

(2) Amended by paragraph 5 of Schedule 4 to the 2002 Act

(which relates to the reference to the National Assembly for Wales of objections about admission arrangements), section 93 of and Schedule 23 to the 1998 Act (which relate to fixing admission numbers and variation of standard numbers), or section 94(4) of the 1998 Act in so far as it relates to the determination of appeal arrangements by the governing body;

(vi) section 63 of the 1998 Act (*school attendance targets*);

(vii) section 439(7) of the 1996 Act (*school attendance orders*);

(viii) section 95(2) and 97(3) of the 1998 Act (*appeal against a decision of the local education authority to admit a child and referral to the Assembly in respect of a direction made by the local education authority to admit a child*); or

(b) the functions that must be delegated to the committees specified in regulations 55 to 57.

---

(3) Inserted by section 47(2) of the 2002 Act. Note also that section 93 of and Schedule 23 to the 1998 Act are prospectively repealed by the 2002 Act.

(4) Amended by section 50 of, and paragraph 8 of Schedule 4 to the 2002 Act.