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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 13**

**DISSOLUTION OF FEDERATIONS**

**Dissolution of federations**

**81.**—(1) Where—

- (a) a governing body of a federation decide that the federation should be dissolved; or
- (b) a governing body of a federation decide that one of only two federated schools should leave the federation,

the governing body of a federation must give notice of the fact and the proposed date of dissolution to the persons mentioned in paragraph (2) within fourteen clear working days.

(2) The persons to be notified are—

- (a) all relevant local authorities;
- (b) the head teacher of the federation and each head teacher of a federated school;
- (c) every member of staff paid to work at the federation or a federated school;
- (d) every person known by the governing body to be a parent of a registered pupil at a federated school;
- (e) where a federated school is a foundation or voluntary school with a religious foundation, the foundation governors, any trustees of a trust relating to the federated school and, in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;
- (f) every trade union known to them to have members paid to work at any of the schools; and
- (g) such other persons as the governing body of the federation consider appropriate.

**Establishment of temporary governing body**

**82.** Upon receipt of the notice issued under regulation 81 the relevant local authority or local authorities must—

- (a) establish a temporary governing body in respect of each school in accordance with Parts 3 and 4 of the New Maintained Schools Regulations; and
- (b) issue a new instrument of government for each school in accordance with Part 5 of the Government of Maintained Schools Regulations.

**83.** For the purposes of regulation 82(b)—

- (a) the reference in regulation 32 of the Government of Maintained Schools Regulations to “governing bodies” is treated as a reference to “temporary governing bodies”; and

- (b) references in regulation 34 of the Government of Maintained Schools Regulations to—
  - (i) “governing body” are treated as references to “temporary governing body”; and
  - (ii) “foundation governors” are treated as references to “temporary foundation governors”.

#### **Availability of amounts representing budget share**

**84.** Subject to any provision made by or under a scheme made under section 48(1) of the 1998 Act, the temporary governing body of each school may spend any sum made available by the local authority under section 50(1) of that Act<sup>(1)</sup> to the governing body of the federation in respect of each school, as they think fit for any purposes of that school.

#### **Incorporation of governing body of a school leaving a federation**

**85.** On the date of dissolution the temporary governing body of each federated school is incorporated as the governing body of each de-federated school under the name given in the school’s instrument of government.

#### **Transfer of property**

**86.**—(1) On the date of dissolution—

- (a) all land or property which, immediately before the date of dissolution, was held by the governing body of the federation for the purposes of each de-federated school, transfers to, and by virtue of these Regulations vests in, the new governing body of each de-federated school incorporated under regulation 85; and
- (b) all rights and liabilities subsisting immediately before the date of dissolution which were acquired or incurred by the governing body of the federation for the purposes of each de-federated school transfer to the new governing body of each de-federated school incorporated under regulation 85.

(2) Section 198 of and Schedule 10 to the Education Reform Act 1988<sup>(2)</sup> (which make provision in relation to transfers of property, rights and liabilities) are to apply in relation to transfers effected by this regulation as they apply in relation to transfers to which that section and Schedule apply.

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(1) As modified by regulation 75 of these Regulations.  
(2) 1988 c. 40.