
STATUTORY INSTRUMENTS

1999 No. 2243

The Education (New Schools) (Wales) Regulations 1999

PART II

**ARRANGEMENTS FOR THE COMPOSITION
OF TEMPORARY GOVERNING BODIES**

Arrangements made in anticipation of approval of proposals

5.—(1) Where any proposals to establish a school have been published under section 28 or 31 of, or paragraph 5 of Schedule 7 to, the 1998 Act the local education authority may make arrangements under section 44(1) of the 1998 Act in anticipation of approval of the proposals under paragraph 8 of Schedule 6 or approval or adoption of proposals under paragraph 14 of Schedule 7 to that Act or, as the case may be, the determination by the body or promoters by whom the proposals were published under paragraph 9 of Schedule 6 to that Act that they should be implemented.

(2) If the proposals are published under section 28(2)(a) of the 1998 Act and are proposals to establish a voluntary controlled school, the local education authority shall consult the promoters—

- (a) as to whether the power given to the local education authority in paragraph (1) above should be exercised; and
- (b) if the local education authority propose to exercise it, as to the date on which the arrangements should be made.

(3) If the proposals are published under section 28(2)(a) of the 1998 Act and the proposals are to establish a voluntary aided or foundation school, the local education authority and the promoters shall consider—

- (a) whether the power given to the local education authority in paragraph (1) above should be exercised; and
- (b) where they agree that it should, on what date the arrangements should be made.

(4) Where in a case falling within paragraph (3) the local education authority and the promoters fail to agree on the question mentioned in sub-paragraph (a) or on that mentioned in sub-paragraph (b) either of them may refer the matter to the Assembly and on a reference under this paragraph the Assembly shall give such direction as they think fit.