
WELSH STATUTORY INSTRUMENTS

2005 No. 2912

The New Maintained Schools (Wales) Regulations 2005

PART 2

Arrangements for the Incorporation of Temporary Governing Bodies

Arrangements made in anticipation of approval of proposals

5.—(1) Where any proposals to establish a maintained school have been published under any enactment⁽¹⁾, the local education authority may make arrangements under section 34 of the 2002 Act in anticipation of approval of the proposals⁽²⁾ or in anticipation of a determination by the authority that the proposals should be implemented⁽³⁾.

(2) If proposals are to establish a voluntary controlled school, the local education authority must 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 proposes to exercise it, as to the date on which the arrangements should be made.

(3) If proposals are to establish a voluntary aided or foundation school, the local education authority and the promoters must 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 referred to in sub-paragraph (a) or on that referred to in sub-paragraph (b), either of them may refer the matter to the National Assembly for Wales and on a reference under this paragraph the National Assembly for Wales must give such direction as it thinks fit.

Agreements necessary for arrangements

6.—(1) Where proposals to establish a foundation school or a voluntary school have been published by promoters, a local education authority must not make arrangements in respect of the school without the agreement of the promoters as to any provision to be made in relation to the temporary foundation governors.

(2) In the event of any disagreement between the local education authority and the promoters in respect of the provision referred to in paragraph (1), either of them may refer the issue to the

(1) Proposals may be published under section 28 or 31 of, or paragraph 5 of Schedule 7 to, the 1998 Act or section 113A of the 2000 Act.

(2) Under paragraph 8 of Schedule 6 or paragraph 13 of Schedule 7 to the 1998 Act or section 113A(5)(a) of the 2000 Act.

(3) Under paragraph 9 of Schedule 6 to the 1998 Act.

National Assembly for Wales and, on a reference under this paragraph the National Assembly for Wales, must give such direction as it thinks fit.

Termination of arrangements

7. Any arrangements made under regulation 5 must come to an end as soon as reasonably practicable if—

- (a) the proposals are withdrawn;
- (b) the proposals are rejected under paragraph 8 of Schedule 6 or paragraph 14 of Schedule 7 to the 1998 Act;
- (c) in the case of proposals not requiring approval under paragraph 8 of Schedule 6 to the 1998 Act, the body or promoters by whom the proposals were published determine under paragraph 9 of Schedule 6 to the 1998 Act not to implement them; or
- (d) the National Assembly for Wales determine under paragraph 10(3) of Schedule 6 to the 1998 Act that paragraph 10(1) of that Schedule should cease to apply to the proposals.