
WELSH STATUTORY INSTRUMENTS

2005 No. 2912

The New Maintained Schools (Wales) Regulations 2005

PART 8

Transition from a Temporary Governing Body to a Governing Body

Making of instrument of government and constitution of the governing body

43.—(1) The local education authority must secure that an instrument of government has been made for each new school in accordance with regulations 32 to 34 of the Government Regulations before the school opening date.

(2) The instrument of government takes effect from the date of making for the purpose of constituting the governing body but does not affect the constitution or name of the temporary governing body conducting the new school.

(3) For the purposes of this Part, in relation to any new school, the incorporation date is the date the local education authority notifies in writing to the governing body which must be a date as soon as reasonably practicable after the school opening date but in any event no later than the last day of the term in which the school first admits pupils.

(4) The local education authority must secure that appointments or elections of governors required by the instrument of government for a new school take place in accordance with that instrument before the incorporation date and take effect from that date.

(5) For all other purposes, the instrument of government takes effect from the incorporation date.

(6) On the incorporation date the governing body of a new school must be constituted under the instrument of government.

(7) The temporary governing body must exercise its functions under the 1998 Act, the 2002 Act and under these Regulations in a manner calculated to enable the local education authority to fulfil its duties under this regulation.