
WELSH STATUTORY INSTRUMENTS

2005 No. 2913

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005

New schools

6.—(1) Despite the coming into force of section 34 of the 2002 Act and the repeal of section 44 of the 1998 Act⁽¹⁾, section 44 of the 1998 Act and the Education (New Schools) (Wales) Regulations 1999⁽²⁾ are to continue to apply in relation to a temporary governing body constituted before 31 October 2005.

(2) Where paragraph (1) applies—

- (a) provisions of the 1998 Act referred to in section 44 of the 1998 Act and in the Education (New Schools) (Wales) Regulations 1999 which have been revoked by the 2002 Act are to have effect as though they had not been revoked;
- (b) section 44 of the 1998 Act is to have effect as though subsection (3)(b) were omitted and as though in subsection (4) there were substituted for “the school opening date” the words “the date notified to the temporary governing body by the local education authority”; and
- (c) the Education (New Schools) (Wales) Regulations 1999 are to have effect as though for “the school opening date” in regulation 31(1) there were substituted the words “the date notified to the temporary governing body by the local education authority” and as though regulation 31(3) were omitted.

(1) Section 34 of the 2002 Act comes into force on 31 October 2005, and section 44 of the 1998 Act is repealed by section 215(2) of and Part 3 of Schedule 22 to, the 2002 Act on 31 October 2005, by virtue of S.I.2005/2910 (W.207) (C.124).

(2) S.I. 1999/2243.