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WELSH STATUTORY INSTRUMENTS

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**2005 No. 2914**

The Government of Maintained  
Schools (Wales) Regulations 2005

**PART 1**

*Introduction*

**Title, commencement and application**

1.—(1) The title of these Regulations is the Government of Maintained Schools (Wales) Regulations 2005 and they come into force on 31 October 2005, except for paragraph (2) of regulation 2, and regulation 38 and Schedule 6, which come into force on 1 January 2006.

(2) These Regulations apply in relation to Wales.

**Revocations, savings and amendments**

2.—(1) The Education (School Government) (Transition to New Framework) Regulations 1998(1) are hereby revoked.

(2) The Education (School Government) (Wales) Regulations 1999(2) are revoked with effect from 1 January 2006, except for the following provisions which remain in force in respect of every maintained school until a new instrument of government is made for the school in accordance with regulation 33—

Regulation 1 except for the words “and new schools” in paragraph (3);

Regulation 2(1) except for the definitions of “the First Transitional Regulations”, “new school” “School Organisation Regulations” and “the Second Transitional Regulations”;

Regulation 2(2) except for the definitions of “temporary governing body” and “temporary governors”;

Regulation 3 except for the words “or temporary governing body (however constituted)” and “or (as the case may be) new school”;

Regulation 4 except for the words in brackets, for which are substituted the words “in accordance with the 1998 Act”;

Regulation 5(1) (a) except for the words “or will maintain” and “or a new school”; and after the words “for which an instrument of government has been made” are added the words “in accordance with the 1998 Act”;

Regulation 5(2) (i), (iii) and (iv), except for the words “and (b)” and the words “or, in the case of a new school which has not opened, the diocesan authority which will be the appropriate diocesan authority when the school opens”;

Regulation 6(1) and Schedule 1;

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(1) S.I.1998/2763, as amended by S.I. 1999/362, 1999/2242 (W. 2), 2001/2263 (W. 164).

(2) S.I. 1999/2242 (W. 2) as amended by S.I. 2001/2263 (W. 164).

Regulations 9 to 12 and Schedules 2 to 4;

Regulation 15 except for the words “Subject to Part VIII (transitional provisions), Schedule 6 sets”, for which are substituted “Paragraphs (12) to (16) of Schedule 6 to these Regulations and Schedule 5 to the Government of Maintained Schools (Wales) Regulations 2005 set”, and paragraphs (12) to (16) of Schedule 6;

Regulations 16 and 17;

Regulation 18 except in paragraph (1) for the words “and to Part VIII (transitional provisions)”; and

Regulations 19 and 20.

(3) Paragraph (1) of regulation 31 of the Education (New Schools) (Wales) Regulations 1999<sup>(3)</sup>, is amended by substituting the words “Part 5 of the Government of Maintained Schools (Wales) Regulations 2005” for the words “Schedule 12 to the 1998 Act”.

### Interpretation

3.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996<sup>(4)</sup>;

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998<sup>(5)</sup>;

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002;

“school teacher” (“*athro neu athrawes ysgol*”) is to be interpreted in accordance with section 122 of the 2002 Act;

“working day” (“*diwrnod gwaith*”) means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971<sup>(6)</sup>.

(2) Any reference in these Regulations to—

(a) the governing body or to the governing body of a school is a reference to the governing body of any maintained school to which the provision applies;

(b) a governor is a reference to a member of a governing body of any school to which the provision applies;

(c) the local education authority is a reference to the local education authority that maintains the school.

(3) Any reference in these Regulations to—

(a) a numbered regulation, Part or Schedule is a reference to the regulation, Part or Schedule bearing that number in these Regulations;

(b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference appears; and

(c) a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference appears.

<sup>(3)</sup> S.I. 1999/2243; this regulation is also amended by regulation 6 of the Education Act 2002 (Transitional Provisions etc) (Wales) Regulations 2005, S.I. 2005/2913 (W. 210).

<sup>(4)</sup> 1996 c. 56.

<sup>(5)</sup> 1998 c. 31.

<sup>(6)</sup> 1971 c. 80.