
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the government of new maintained schools in Wales.

Part 1 provides for the Regulations to come into force, sets out those Regulations that are to be revoked or amended and contains interpretation provisions. It also deals with the service of notices.

Part 2 relates to the making of arrangements for temporary governing bodies. Regulation 5 enables arrangements to be made in anticipation that proposals will be approved and regulation 6 requires the agreement of promoters to arrangements relating to temporary foundation governors.

Part 3 describes the various categories of temporary governor. Regulation 9 deals with the appointment of temporary parent governors by either the local education authority or a new school's promoters.

Regulation 10 deals with temporary staff governors, which includes non-teaching staff only. Regulation 11 deals with teacher governors. The head teacher is a temporary governor by virtue of his or her position but may resign his or her temporary governorship (or withdraw his or her resignation) at any time.

Regulation 12 deals with the appointment of temporary LEA governors.

Regulations 13 and 14 apply to temporary community governors and additional temporary community governors.

Regulation 15 makes provision as to the appointment of temporary foundation governors, including *ex officio* temporary governors and regulation 16 deals with the nomination and appointment of temporary partnership governors. Regulation 17 applies to temporary representative governors in community special schools. Regulation 18 makes provision for temporary sponsor governors, the appointment of whom is optional.

Regulation 19 specifies the experience required of temporary governors and regulation 20 makes provision in respect of joint appointments.

Part 4 deals with the composition of temporary governing bodies by applying regulations 13 to 20 of the Government of Maintained Schools (Wales) Regulations 2005 ("the Government Regulations") to temporary governing bodies with some modifications.

Part 5 deals with the tenure of office and qualifications of temporary governors. Regulation 22 sets out how a temporary governor can resign and regulations 23 and 24 deal with the removal of temporary governors.

Regulation 25 makes provision for the circumstances in which a temporary governor is disqualified from being appointed or continuing in office as a temporary governor by applying Schedule 5 of the Government Regulations, with modifications.

Part 5 also contains provisions relating to expenses incurred in relation to temporary governing bodies and the provision of information to temporary governors.

Part 6 deals with the conduct of new schools with temporary governing bodies and gives temporary governing bodies general powers and duties. In addition, regulation 32 provides for the execution of documents by the temporary governing body.

Regulation 33 requires the head teacher to consult the temporary governing body and the local education authority regarding the curriculum and regulation 34 provides for the determination of dates for the school term and holidays and the times of school sessions. Regulation 35 deals with

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

reports and information to be provided to LEAs and regulation 36 for consultation by LEAs in relation to expenditure where temporary governing bodies do not have delegated budgets.

Part 7 deals with the appointment, functions and removal of officers, meetings and proceedings of temporary governing bodies, committees of temporary governing bodies and conflicts of interest. The relevant provisions of the Government Regulations are applied to new schools with modifications.

Part 8 deals with the transition from a temporary governing body to a permanent governing body constituted under an instrument of government. The local education authority must secure that an instrument of government is made before the school opening date.

The local education authority determines the date when the governing body will be constituted under the instrument of government. This is the incorporation date, which must be as soon as reasonably practicable after the opening date but no later than the last day of the first term.

Regulations 44 and 45 deal with the appointment and election of governors required by the instrument of government.

Regulations 46 to 48 provide for transfers of property, staff and other rights and liabilities from the temporary to the permanent governing body and for the preparation of a report by the temporary governing body.

Part 9 makes some amendments relating to new schools to the Religious Character of Schools (Designation Procedure) Regulations 1998.

A regulatory appraisal has been prepared and placed on the National Assembly for Wales website (www.wales.gov.uk). Copies can be obtained from the Welsh Assembly Government Schools Management Division, Crown Buildings, Cathays Park, Cardiff CF10 3NQ.