WELSH STATUTORY INSTRUMENTS

2012 No. 1643 (W.212)

EDUCATION, WALES

The School Governance (Transition from an Interim Executive Board) (Wales) Regulations 2012

Made - - - -	*22 June 2012*
Laid before the National Assembly for Wales - -	*26 June 2012*
Coming into force - -	*1 September 2012*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by paragraph 19(2) and (3) of Schedule 1A to the School Standards and Framework Act 1998(**1**) and now vested in them(**2**), and in exercise of the powers conferred on the National Assembly for Wales under section 19 of the Education Act 2002(**3**) and now vested in them(**4**), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the School Governance (Transition from an Interim Executive Board) (Wales) Regulations 2012 and they come into force on 1 September 2012 .

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998;

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002;

"authority" ("*awdurdod*") means the local authority by which a maintained school is maintained;

(**1**) 1998 c. 31. Section 59(2) of the 2002 Act inserted Schedule 6 of that Act into the 1998 Act as Schedule 1A. For the meaning of "regulations" *see* section 142(1).

(**2**) The functions of the Secretary of State under Schedule 1A to the 1998 Act (as inserted by the 2002 Act) were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and section 211 of the 2002 Act, and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**3**) 2002 c. 32. For the meaning of "regulations" *see* section 212(1).

(**4**) The functions of the National Assembly for Wales under section 19 of the 2002 Act were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

"the Government Regulations" ("*y Rheoliadau Llywodraethu*") means the Government of Maintained Schools (Wales) Regulations 2005(**5**);

"interim executive board" ("*bwrdd gweithredol interim*") means a governing body constituted in accordance with Schedule 1A to the 1998 Act (governing bodies of interim executive members);

"interim executive member" ("*aelod gweithredol interim*") means a member of a governing body constituted in accordance with Schedule 1A to the 1998 Act; and

"shadow governing body" ("*corff llywodraethu cysgodol*") and "shadow governors" ("llywodraethwyr cysgodol") have the meaning given in regulation 5(2).

Exclusion of certain provisions

3. Save as set out below regulations made by virtue of subsections (2) or (3) of section 19 or section 23 of the 2002 Act are not to apply in relation to the shadow governing body.

Modifications of the Government Regulations

4.—(1) The following modifications of the Government Regulations apply for the purposes of these Regulations.

(2) References to "governing body", "governor" and "governors" are to be read as references to "shadow governing body", "shadow governor" and "shadow governors".

(3) References to different categories of governors are to be read as references to shadow governors of the same category.

Arrangements for the establishment of shadow governing body

5.—(1) At least six months before the date given in a notice served under section 16A(1)(**6**) or 18A(1)(**7**) of, or paragraph 17(1) of Schedule 1A to, the 1998 Act, as the date on which the governing body is to become a normally constituted governing body, the authority must make arrangements providing for the establishment of a governing body for the school in anticipation of the transition to a normally constituted governing body(**8**).

(2) In these Regulations, a governing body so established is referred to as a shadow governing body and members of the shadow governing body are referred to as shadow governors.

(3) Nothing in these Regulations prevents the appointment or election of an interim executive member as a shadow governor.

Members of shadow governing body

6. The shadow governing body is to consist of members elected or appointed as the case may be in accordance with regulations 4 to 12A of the Government Regulations as modified by regulation 4 of these Regulations.

(**5**) S.I. 2005/2914 (W.211), as amended by S.I. 2005/3200 (W.236).
(**6**) Inserted by section 57 of the 2002 Act and amended by Schedule 9 to the Education Act 2005 (c. 18) and by Schedule 7 to the Education and Inspections Act 2006 (c. 40).
(**7**) Inserted by section 59 of the 2002 Act and amended by Schedule 9 to the Education Act 2005 and by Schedule 7 to the Education and Inspections Act 2006.
(**8**) As defined in paragraph 1(1) of Schedule 1A to the 1998 Act.