WELSH STATUTORY INSTRUMENTS

2005 No. 2916 (W.213)

EDUCATION, WALES

The Change of Category of Maintained Schools (Wales) (Amendment) Regulations 2005

Made - - - -	*18 October 2005*
Coming into force - -	*31 October 2005*

In exercise of the powers conferred upon the Secretary of State by sections 138(7) and 144 of, and paragraph 5 of Schedule 8 to, the School Standards and Framework Act 1998(**1**) and now vested in the National Assembly for Wales(**2**), and in exercise of the powers conferred on it by sections 19, 20, 210(7) and 214 of the Education Act 2002(**3**) the National Assembly for Wales makes the following Regulations:

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the Change of Category of Maintained Schools (Wales) (Amendment) Regulations 2005 and they come into force on 31 October 2005.

(2) In these Regulations—

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

"the 2005 Regulations" ("*Rheoliadau 2005*") means the Government of Maintained Schools (Wales) Regulations 2005(**4**);

"the Principal Regulations" ("*y Prif Reoliadau*") means the Change of Category of Maintained Schools (Wales) Regulations 2001(**5**).

(3) These Regulations apply in relation to Wales.

Amendment of the Principal Regulations

2. The Principal Regulations are amended as follows.

3. In regulation 3(1)—

(a) before the definition of "the Act" insert the following definition—

(**1**) 1998 c. 31. For the definition of "regulations", *see* section 142(1).
(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672.
(**3**) 2002 c. 32. For the definition of "regulations", *see* section 212(1).
(**4**) S.I. 2005/2914 (W.211).
(**5**) S.I. 2001/2678 (W.219).

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

(b) substitute for the definition of "modified Schedule 12 to the Act" the following definition —

""the modified 2005 Regulations" ("*y Rheoliadau 2005 addasedig*") means the 2005 Regulations as they have effect with modifications by virtue of regulation 12 of and Schedule 3 to these Regulations;".

4. In regulation 10(1), substitute the words "the modified 2005 Regulations" for the words "modified Schedule 12 to the Act".

5. Substitute for regulation 11 the following—

"**11.** The new instrument of government must be made in accordance with, and conform to, the requirements of Part 5 of the modified 2005 Regulations.".

6. Substitute for regulation 12 the following—

"**12.** The 2005 Regulations apply to the new instrument of government referred to in regulation 11 with the modifications set out in Schedule 3.".

7. In regulation 13(1), substitute the words "the modified 2005 Regulations" for the words "modified Schedule 12 to the Act".

8. In regulation 15(4), substitute the words "sponsor governors" for the words "additional co-opted governors".

9. After regulation 15, insert the following—

"**15A.** For the purposes of regulations 14 and 15, where the local education authority has not made an instrument of government for the current governing body in accordance with the 2005 Regulations, the corresponding categories of governor are as follows—

Category of current governor	*Category of governor under the 2005 Regulations*
Co-opted governor	Community governor
Representative governor	Representative governor
Foundation governor (including *ex officio* foundation governor)	Foundation governor
LEA governor	LEA governor
Parent governor	Parent governor
Partnership governor	Partnership governor
Staff governor	Staff governor
Teacher governor	Teacher governor
Head teacher (*ex officio* governor)	Head teacher (*ex officio* governor)"

10. For Schedule 3 substitute the revised Schedule 3 set out in the Schedule to these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**6**).

D. Elis-Thomas

18 October 2005 — The Presiding Officer of the National Assembly

(**6**) 1998 c. 38.