

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1944 (repealed 1.11.1996), FIFTH SCHEDULE. (See end of Document for details)

SCHEDULES

FIFTH SCHEDULE

PROCEDURE FOR PREPARING AND BRINGING INTO OPERATION AN AGREED SYLLABUS OF RELIGIOUS INSTRUCTION

Modifications etc. (not altering text)

C1 Sch. 5 modified by S.I. 1989/46, art. 3 (1), Sch. 1

- 1 For the purpose of preparing any syllabus of religious [^{F1}education] to be adopted by a local education authority, the authority shall cause to be convened a conference constituted in accordance with the provisions of this Schedule.

Textual Amendments

F1 Word substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 9, 231(7), 235(6), Sch. 1 para. 7(1)

- 2 For the purpose of constituting such a conference as aforesaid, the local education authority shall appoint constituent bodies (hereinafter referred to as “committees”) consisting of persons representing respectively—
- [^{F2}(a) such Christian and other religious denominations as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;]
 - (b) except in the case of an area in Wales or Monmouthshire, the Church of England;
 - (c) such associations representing teachers as, in the opinion of the authority, ought, having regard to the circumstances of the area, to be represented; and
 - (d) the authority:

Provided that where a committee is appointed consisting of persons representing the Church of England, the committee of persons appointed to represent other religious denominations shall not include persons appointed to represent that Church.

Textual Amendments

F2 Sch. 5 para. 2(a) substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 9, 231(7), 235(6), Sch. 1 para. 7(2)

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- 3 Before appointing a person to represent any denomination or associations as a member of any such committee, a local education authority shall take all reasonable steps to assure themselves that he is representative thereof, but no proceedings under this Schedule shall be invalidated on the ground that a member of such a committee did not represent the denomination or associations which he was appointed to represent unless it is shown that the local education authority failed to take such steps as aforesaid.
- 4 A person so appointed may resign his membership of any such committee or may be withdrawn therefrom by the local education authority if in the opinion of the authority he ceases to be representative of the religious denomination or associations which he was appointed to represent, or of the authority, as the case may be; and where a vacancy occurs among the persons so appointed the authority shall fill the vacancy in like manner as they made the original appointment.
- 5 The conference shall consist of the committees aforesaid and it shall be the duty of the conference to seek unanimous agreement upon a syllabus of religious [^{F3}education] to be recommended for adoption by the local education authority.

Textual Amendments

F3 Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), **Sch. 1 para. 7(1)**

- 6 Where the local education authority propose to adopt more than one syllabus of religious [^{F4}education] for use in schools maintained by them, the authority shall inform the conference as to the schools in which, or in the case of a syllabus intended to be used for certain pupils only, the class or description of pupils for which, the syllabus to be prepared by the conference is to be used.

Textual Amendments

F4 Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), **Sch. 1 para. 7(1)**

- 7 Any sub-committees appointed by the conference shall include at least one member of each of the committees constituting the conference.
- 8 Upon any question to be decided by the conference or by any sub-committee thereof one vote only shall be given for each of the committees constituting the conference.
- 9 If the conference unanimously recommend any syllabus of religious [^{F5}education], the authority may adopt it for use in the schools for which, or for the class or description of pupils for which, it was prepared.

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Textual Amendments

F5 Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), [Sch. 1 para. 7\(1\)](#)

- 10 If the authority report to the [^{F6}Secretary of State] that the conference are unable to reach unanimous agreement as aforesaid, or if it appears to the [^{F6}Secretary of State] that an authority have failed to adopt any syllabus unanimously recommended to them by the conference, the [^{F6}Secretary of State] shall appoint to prepare a syllabus of religious [^{F7}education] a body of persons having experience in religious [^{F7}education] which shall, so far as is practicable, be of the like representative character as is required by paragraph 2 of this Schedule in the case of a conference.

Textual Amendments

F6 Words substituted by virtue of S.I. 1964/490, [art. 3\(2\)\(a\)](#)

F7 Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), [Sch. 1 para. 7\(1\)](#)

- 11 The body of persons so appointed:—
- (a) shall give to the authority, the conference, and every committee constituting the conference, an opportunity of making representations to it, but, save as aforesaid, may conduct the proceedings in such manner as it thinks fit;
 - (b) shall, after considering any such representations made to it, prepare a syllabus of religious [^{F8}education];
 - (c) shall transmit a copy of the said syllabus to the authority and to the [^{F9}Secretary of State],

and as from such date as the [^{F9}Secretary of State] may direct, the syllabus so prepared shall be deemed to be the agreed syllabus adopted for use in the schools for which, or for the class or description of pupils for which, it was prepared until a further syllabus is prepared for use in those schools, or for pupils of that class or description, in accordance with the provisions of this Schedule.

Textual Amendments

F8 Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), [Sch. 1 para. 7\(1\)](#)

F9 Words substituted by virtue of S.I. 1964/490, [art. 3\(2\)\(a\)](#)

[^{F10} Reconsideration of agreed syllabus]

Textual Amendments

F10 [Sch. 5 paras. 12 and 13](#) substituted for [Sch. 5 para. 12](#) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), [Sch. 1 para. 7\(3\)](#)

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- 12 Whenever a local education authority are of opinion (whether upon representations made to them or otherwise) that any agreed syllabus for the time being adopted by them ought to be reconsidered, the authority shall cause to be convened for that purpose a conference constituted in accordance with the provisions of this Schedule.
- 13 (1) The following provisions of this paragraph apply where a local education authority cause such a conference to be convened for the purpose of reconsidering any agreed syllabus, whether under paragraph 12 of this Schedule or under section 11(8) of the Education Reform Act 1988 (obligation of authority to cause such a conference to be convened if required to do so by representative groups on standing advisory council for religious education).
- (2) If the conference unanimously recommend that the existing syllabus should continue to be the agreed syllabus, the authority may give effect to the recommendation.
- (3) If—
- (a) the conference unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus; and
 - (b) it appears to the authority that the new syllabus complies with section 8(3) of that Act (new agreed syllabus to reflect mainly Christian religious traditions);
- the authority may give effect to the recommendation.
- (4) If either—
- (a) the authority report to the Secretary of State that the conference are unable to reach unanimous agreement; or
 - (b) it appears to the Secretary of State that the authority have failed to exercise their power under sub-paragraph (2) or (3) above to give effect to the unanimous recommendation of the conference;
- the Secretary of State shall proceed in accordance with the provisions of paragraph 10 of this Schedule, and paragraph 11 of this Schedule shall apply accordingly.

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