

Status: Point in time view as at 01/02/1991.

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SCHEDULES

SCHEDULE 1 **E+W**

CONSEQUENTIAL AMENDMENTS RELATING TO RELIGIOUS EDUCATION

The Education Act 1944 (c. 31)

1 The following section shall be substituted for section 26 of the 1944 Act—

“26 Special provisions as to religious education in county schools.

- (1) In the case of a county school the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school’s basic curriculum shall be provision for religious education in accordance with an agreed syllabus adopted for the school or for those pupils.
- (2) No such syllabus shall provide for religious education to be given to pupils at such a school by means of any catechism or formulary which is distinctive of any particular religious denomination; but this provision is not to be taken as prohibiting provision in such a syllabus for the study of such catechisms or formularies.
- (3) Subsection (4) below applies where a county secondary school is so situated that arrangements cannot conveniently be made for the withdrawal of pupils from the school in accordance with section 9 of that Act to receive religious education elsewhere.
- (4) If in any such case the local education authority are satisfied—
 - (a) that the parents of pupils in attendance at the school desire them to receive religious education in the school in accordance with the tenets of a particular religious denomination; and
 - (b) that satisfactory arrangements have been made for the provision of such education to those pupils in the school, and for securing that the cost of providing such education to those pupils in the school will not fall upon the authority;the authority shall, unless they are satisfied that owing to any special circumstances it would be unreasonable to do so, provide facilities for the carrying out of those arrangements.”

2 (1) In section 27 of that Act (special provisions as to religious education in controlled schools), the word “education” shall be substituted for the word “instruction” in each place where it occurs in subsections (1), (2), (4) and (5).

(2) The following subsection shall be substituted for subsection (6) of that section—

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- “(6) In the case of a controlled school the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school’s basic curriculum shall be provision for religious education—
- (a) in accordance with any arrangements made under subsection (1) of this section; or
 - (b) subject to any such arrangements, in accordance with an agreed syllabus adopted for the school or for those pupils.”
- 3 (1) In section 28 of that Act (special provisions as to religious education in aided schools and in special agreement schools), the following subsections shall be substituted for subsection (1)—
- “(1) In the case of an aided or special agreement school the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school’s basic curriculum shall be provision for religious education—
- (a) in accordance with any provision of the trust deed relating to the school or, where provision for that purpose is not made by such a deed, in accordance with the practice observed in the school before it became a voluntary school; or
 - (b) in accordance with any arrangements under this section.
- (1A) Subject to subsection (1C) of this section, the religious education given to pupils at such a school shall be under the control of the governors of the school.
- (1B) Where the parents of pupils in attendance at such a school—
- (a) desire them to receive religious education in accordance with any agreed syllabus adopted by the local education authority; and
 - (b) cannot with reasonable convenience cause those pupils to attend any school at which that syllabus is in use;
- then, unless the authority are satisfied that owing to any special circumstances it would be unreasonable to do so, arrangements shall be made for religious education in accordance with that syllabus to be given to those pupils in the school during the times set apart for the giving of religious education in the school in accordance with the provision for that purpose included in the school’s basic curriculum by virtue of section 2(1)(a) of that Act.
- (1C) Those arrangements shall be made by the governors of the school, unless the local education authority are satisfied that the governors are unwilling to make the arrangements, in which case they shall be made by the authority.”
- (2) The word “education” shall be substituted for the word “instruction” in each place where it occurs in subsections (2) to (4) of that section.
- 4 The word “education” shall be substituted for the word “instruction”—
- (a) in section 29(1) of that Act (preparation, etc., of agreed syllabus);

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- (b) in each place where it occurs in section 30 of that Act (saving as to position of teachers); and
 - (c) in section 67(3) of that Act (determination of question as to whether religious education is in accordance with trust deed relating to a voluntary school).
- 5 In section 77 of that Act (inspection of educational establishments)—
 - (a) the word “education” shall be substituted for the word “instruction” in both places where it occurs in subsection (5); and
 - (b) in subsection (6), for the words “instruction in a voluntary school in accordance with the provisions of this Act” there shall be substituted the words “receiving religious education in a voluntary school in accordance with section 9 of the Education Reform Act 1988”.
- 6 In section 114(1) of that Act (interpretation) the word “education” shall be substituted for the word “instruction” in the definition of “agreed syllabus”.
- 7 (1) In Schedule 5 to that Act (procedure for preparing and bringing into operation an agreed syllabus of religious education) the word “education” shall be substituted for the word “instruction” in each place where it occurs in paragraphs 1, 5, 6 and 9 to 11.
(2) In paragraph 2 (representative committees constituting the conference), for sub-paragraph (a) there shall be substituted the following sub-paragraph—
 - “(a) such Christian and other religious denominations as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;”.
- (3) For paragraph 12 of that Schedule there shall be substituted the following paragraphs—

Reconsideration of agreed syllabus

- “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—

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- (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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