



Education Act 1996

1996 CHAPTER 56

PART V

THE CURRICULUM

CHAPTER III

RELIGIOUS EDUCATION AND WORSHIP

Constitution of standing advisory councils on religious education

390 Constitution of advisory councils.

- (1) A [^{F1}local authority] shall constitute a standing advisory council on religious education for the purposes mentioned in section 391(1).
- ^{F2}(2) The council shall consist of such groups of persons appointed by the authority as representative members (“representative groups”) as are required by subsection (4).]
- (3) The council may also include co-opted members (that is, persons co-opted as members of the council by members of the council who have not themselves been so co-opted).
- (4) The representative groups required by this subsection are—
 - (a) a group of persons to represent such Christian denominations and other religions and denominations of such religions 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, a group of persons to represent the Church of England;
 - (c) a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and
 - (d) a group of persons to represent the authority.

Status: Point in time view as at 15/11/2011.

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- (5) Where a representative group is required by subsection (4)(b), the representative group required by subsection (4)(a) shall not include persons appointed to represent the Church of England.
- (6) The number of representative members appointed to any representative group under subsection (4)(a) to represent each denomination or religion required to be represented shall, so far as consistent with the efficient discharge of the group's functions, reflect broadly the proportionate strength of that denomination or religion in the area.
- (7) On any question to be decided by the council only the representative groups on the council shall be entitled to vote, and each representative group shall have a single vote.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with [Sch. 2 para. 7\(4\)\(5\)](#))
- F2** S. 390(2) substituted (1.9.1999) by [1998 c. 31, s. 140\(1\)](#), **Sch. 30 para.93** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\)](#), **Sch. 1**

391 Functions of advisory councils.

- (1) The purposes referred to in section 390(1) are—
 - ^{F3}(a) to advise the [^{F1}local authority] on such matters connected with—
 - (i) religious worship in community schools or in foundation schools which (within the meaning of Part II of the School Standards and Framework Act 1998) do not have a religious character, and
 - (ii) the religious education to be given in accordance with an agreed or other syllabus in accordance with Schedule 19 to that Act,
 as the authority may refer to the council or as the council may see fit, and]
 - (b) to carry out the functions conferred on them by section 394.
- (2) The matters referred to in subsection (1)(a) include, in particular, methods of teaching, the choice of materials and the provision of training for teachers.
- (3) The representative groups on the council required by section 390(4), other than the group consisting of persons appointed to represent the authority, may at any time require a review of any agreed syllabus for the time being adopted by the authority.
- (4) Each representative group concerned shall have a single vote on the question of whether to require such a review.
- (5) Paragraph 3 of Schedule 31 has effect to require the authority, on receiving written notification of any such requirement, to cause a conference constituted in accordance with that Schedule to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.
- (6) The council shall in each year publish a report as to the exercise of their functions and any action taken by representative groups on the council under subsection (3) during the last preceding year.
- (7) The council's report shall in particular—

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- (a) specify any matters in respect of which the council have given advice to the authority,
- (b) broadly describe the nature of the advice given, and
- (c) where any such matter was not referred to the council by the authority, give the council’s reasons for offering advice on that matter.

^{F4}(8)

^{F4}(9)

- (10) The council shall send a copy of each report published by them under subsection (6)—
 - (a) in the case of a council for an area in England, to the [^{F5}Qualifications and Curriculum Development Agency], and
 - (b) in the case of a council for an area in Wales, to [^{F6}the National Assembly for Wales].

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F3** S. 391(1)(a)(i)(ii) substituted (1.9.1999) for s. 391(1)(a) by 1998 c. 31, s. 140(1), **Sch. 30 para. 94(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** S. 391(8)(9) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 94(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F5** Words in s. 391(10)(a) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 12 para. 10**; S.I. 2010/1151, art. 2, Sch. 1
- F6** Words in s. 391(10)(b) substituted (1.4.2006) by [The Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 5** (with art. 7)

392 Advisory councils: supplementary provisions.

- (1) In this section “the council” means the standing advisory council on religious education constituted by a [^{F1}local authority] under section 390.
- (2) Before appointing a person to represent any religion, denomination or associations as a member of the council, the authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination or associations in question.
- (3) A member of the council who was appointed by the authority may be removed from membership by the authority if, in their opinion, he ceases to be representative of the religion, denomination or associations which he was appointed to represent or (as the case may be) he ceases to be representative of the authority.

^{F7}(4)

- (5) A person co-opted as a member of the council shall hold office on such terms as may be determined by the members co-opting him.
- (6) A member of the council may at any time resign his office.

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- (7) Subject to section 390(7), the council and, in relation to any question falling to be decided by members of the council of any particular category, the members of that category, may regulate their own proceedings.
- (8) The validity of proceedings of the council or of the members of the council of any particular category shall not be affected—
 - (a) by a vacancy in the office of any member of the council required by section 390(2), or
 - (b) on the ground that a member of the council appointed to represent any religion, denomination or associations does not at the time of the proceedings represent the religion, denomination or associations in question.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F7** S. 392(4) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 95](#), **Sch.31** (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\)](#), **Sch. 1**

F8 393

Textual Amendments

- F8** S. 393 repealed (1.4.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 96](#), **Sch.31** (with ss. 138(9), 144(6)); [S.I. 1999/1016, art. 2\(1\)](#), **Sch. 1**

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