



# Education Act 1944 (repealed 1.11.1996)

1944 CHAPTER 31 7 and 8 Geo 6

## PART II

### THE STATUTORY SYSTEM OF EDUCATION

#### PRIMARY AND SECONDARY EDUCATION

##### *Religious Education in County and Voluntary Schools*

25 <sup>F1</sup> .....

#### Textual Amendments

**F1** S. 25 repealed by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. II](#)

#### [<sup>F2</sup>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

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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.]

#### Textual Amendments

**F2** S. 26 substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 9, 231(7), 235(6)** Sch. 1 para. 1

## 27 Special provisions as to religious education in controlled schools.

- (1) Where the parents of any pupils in attendance at a controlled school request that they may receive religious [<sup>F3</sup>education] in accordance with the provisions 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 controlled school, the foundation . . . <sup>F4</sup> foundation governors shall, unless they are satisfied that owing to special circumstances it would be unreasonable so to do, make arrangements for securing that such religious [<sup>F3</sup>education] is given to those pupils at the school during not more than two periods in each week.
- (2) Without prejudice to the duty to make such arrangements as aforesaid whatever the number of the teaching staff of the school, where the number of the teaching staff of a controlled school exceeds two the teaching staff shall include persons (hereinafter referred to as “reserved teachers”) selected for their fitness and competence to give such religious [<sup>F3</sup>education] as is required to be given under such arrangements and specifically appointed to do so:  
 Provided that the number of reserved teachers in any controlled school shall not exceed one-fifth of the number of the teaching staff of the school including the head teacher, so, however, that where the number of the teaching staff is not a multiple of five it shall be treated for the purposes of this subsection as if it were the next higher multiple thereof.
- (3) The head teacher of a controlled school shall not, while holding that position, be a reserved teacher . . . <sup>F5</sup>.
- (4) Where the local education authority propose to appoint any person to be a reserved teacher in a controlled school, the authority shall consult the foundation . . . <sup>F4</sup> foundation governors of the school, and, unless the said . . . <sup>F4</sup> governors are satisfied as to that person’s fitness and competence to give such religious [<sup>F3</sup>education] as is required in pursuance of such arrangements as aforesaid the authority shall not appoint that person to be a reserved teacher.

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- (5) If the . . . <sup>F4</sup> foundation governors of a controlled school are of opinion that any reserved teacher has failed to give such religious [<sup>F3</sup>education] as aforesaid efficiently and suitably, they may require the authority to dismiss him from employment as a reserved teacher in the school.
- [<sup>F6</sup>(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.]

#### Textual Amendments

- F3** Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 9, 231\(7\), 235\(6\), Sch. 1 para. 2\(1\)](#)
- F4** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\), s. 1\(3\), Sch. 1 para. 9](#)
- F5** Words repealed (savings in S.I. 1987/344, [Sch. 3 para. 1\(4\)\(d\)](#)) by [Education \(No.2\) Act 1986 \(c. 61, SIF 41:1\), s. 67\(6\), Sch. 6 Pt. I](#)
- F6** [S. 27\(6\)](#) substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\) ss.9, 231\(7\), 235\(6\), Sch. 1 para. 2\(2\)](#)

## 28 Special provisions as to religious education in aided schools and in special agreement schools.

- [<sup>F7</sup>(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.

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- (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) If a teacher appointed to give in an aided school religious [<sup>F8</sup>education], other than [<sup>F8</sup>education] in accordance with an agreed syllabus, fails to give such [<sup>F8</sup>education] efficiently and suitably, he may be dismissed on that ground by the . . . <sup>F9</sup> governors of the school without the consent of the local education authority.
- (3) Where the special agreement made with respect to any special agreement school provides for the employment of reserved teachers, the local education authority shall, when they propose to appoint any person to be such a teacher in the school, consult the . . . <sup>F10</sup> foundation governors of the school, and unless the said . . . <sup>F10</sup> governors are satisfied as to that person's fitness and competence to give such religious [<sup>F8</sup>education] as aforesaid, the authority shall not appoint that person to be such a teacher.
- (4) If the . . . <sup>F10</sup> foundation governors of a special agreement school are of opinion that any such reserved teacher as aforesaid has failed to give, efficiently and suitably, such religious [<sup>F8</sup>education] as he was appointed to give, they may require the authority to dismiss him from employment as a reserved teacher in the school.

#### Textual Amendments

- F7** S. 28(1)(1A)–(1C) substituted for s. 28(1) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss.9, 231(7), 235(6), [Sch. 1 para. 3\(1\)](#)
- F8** Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss.9, 231(7), 235(6), [Sch. 1 para. 3\(2\)](#)
- F9** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), [Sch. 1 para. 9](#)
- F10** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), [Sch. 1 para. 9](#)

## 29 Provisions as to religious instruction in accordance with agreed syllabus.

- (1) The provisions of the Fifth Schedule to this Act shall have effect with respect to the preparation, adoption, and reconsideration, of an agreed syllabus of religious [<sup>F11</sup>education].
- (2) . . . . . <sup>F12</sup>

#### Textual Amendments

- F11** Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), [Sch. 1 para. 4\(a\)](#)
- F12** S. 29(2)–(4) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss.9, 231(7), 235(6), 237(2), [Sch. 13 Pt. II](#)

#### Modifications etc. (not altering text)

- C1** S. 29(1) modified by [S.I. 1989/46](#), [Sch. 1](#)

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### 30 Saving as to position of teachers.

Subject as hereinafter provided, no person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being a teacher in a county school or in any voluntary school, or from being otherwise employed for the purposes of such a school; and no teacher in any such school shall be required to give religious [<sup>F13</sup>education] or receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he does or does not give religious [<sup>F13</sup>education] or by reason of his religious opinions or of his attending or omitting to attend religious worship:

Provided that, save in so far as they require that a teacher shall not receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he gives religious [<sup>F13</sup>education] or by reason of his religious opinions or of his attending religious worship, the provisions of this section shall not apply with respect to a teacher in an aided school or with respect to a reserved teacher in any controlled school or special agreement school.

#### Textual Amendments

**F13** Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), **Sch. 1 para. 4(b)**

#### Modifications etc. (not altering text)

**C2** [S. 30](#) extended by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. **88(5)**, 231(7), 235(6)

**C3** [S. 30](#) continued (1.4.1994) by [1993 c. 35, s. 144\(4\)](#) (with s. 155(11)); S.I. 1994/507, **art.3(1)**.

**Status:**

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