

2003 No. 2314

EDUCATION, ENGLAND

**The Religious Character of Schools (Designation Procedure)
(Independent Schools) (England) Regulations 2003**

<i>Made</i> - - - -	<i>8th September 2003</i>
<i>Laid before Parliament</i>	<i>9th September 2003</i>
<i>Coming into force</i> - -	<i>1st October 2003</i>

In exercise of the powers conferred on the Secretary of State by sections 69(5), as it applies to independent schools, and 138(7) and (8) of the School Standards and Framework Act 1998 (a) the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Religious Character of Schools (Designation Procedure) (Independent Schools) (England) Regulations 2003 and shall come into force on 1st October 2003.

(2) These Regulations shall apply in relation to England only.

Interpretation

2. In these Regulations —

- (a) “the 1998 Act” means the School Standards and Framework Act 1998;
- (b) “the relevant religion or religious denomination” means the religion or religious denomination in accordance with whose tenets education is provided at the school, or the school is conducted (or, as the case may be, each such religion or religious denomination); and
- (c) “section 69(3)” means section 69(3) of the 1998 Act as it applies to independent schools by virtue of section 124B of that Act.

Application of these Regulations

3. These Regulations specify the procedure to be followed in connection with —

- (a) the designation, in an order under section 69(3), of an independent school as having a religious character; and
- (b) the statement in such an order, in relation to such a school, of the relevant religion or religious denomination.

(a) 1998 c.31; section 69(3) and (5) applies to independent schools by virtue of section 124B inserted by S.I. 2003/2037.

Application procedure

4.—(1) In order for an independent school to be designated as a school which has a religious character, the school's proprietor must apply to the Secretary of State for an order under section 69(3).

(2) The application must —

- (a) state the religion or religious denomination of the school;
- (b) include the grounds on which the application is based and any supporting evidence of those grounds; and
- (c) include any representations made by a religious body in support of the application.

(3) On receipt of an application for an order in accordance with these Regulations, the Secretary of State may consult any religious body regarding the school's application, which he considers appropriate.

Designation procedure

5.—(1) If a school's proprietor applies for an order in accordance with these Regulations, the Secretary of State shall designate the school as a school which has a religious character if—

- (a) he is satisfied that the school is conducted or education at the school is provided in accordance with the tenets of one or more religions or religious denominations; and
- (b) some or all of the premises currently occupied by the school were provided on trust in connection with —
 - (i) the provision of education, or
 - (ii) the conduct of an educational institutionin accordance with the tenets of one or more religions or religious denominations; or
- (c) at least one member of the governing body is a person appointed as a governor to represent the interests of one or more religions or religious denominations; or
- (d) the governing instrument of the school provides —
 - (i) that the school shall be conducted in accordance with the tenets of one or more religions or religious denominations; or
 - (ii) that education at the school shall be provided in accordance with the tenets of one or more religions or religious denominations.

(2) If a school's proprietor applies for an order in accordance with these regulations but paragraph (1) does not apply, the Secretary of State may nevertheless designate a school as a school which has a religious character if he considers it appropriate to do so having regard to the following —

- (a) whether the school is conducted in accordance with the tenets of one or more religions or religious denominations;
- (b) whether education at the school is provided in accordance with the tenets of one or more religions or religious denominations; and
- (c) any representations made by a religious body on behalf of the school.

(3) For the purposes of this regulation any reference to the education at a school being provided in accordance with the tenets of one or more religions or religious denominations does not require all education provided to be in accordance with those tenets.

Changes in designations and statements

6.—(1) Where the Secretary of State is at any time of the opinion that an order previously made under section 69(3) contains a material error or that there has been a wrongful failure to designate

any school he must make such an order or further order under that section as he considers appropriate for the purpose of correcting the error;

(2) Before making an order under paragraph (1) which effects the designation of a particular school or the statement of the relevant religion or religious denomination in relation to a particular school, the Secretary of State must consult the proprietor of that school, and may consult any religious body which he considers appropriate.

8th September 2003

David Miliband
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations set out the procedure to be followed when the Secretary of State designates an independent school as having a religious character in an order under section 69(3) of the School Standards and Framework Act 1998 as applied to independent schools by section 124B. Section 124B(2) of the School Standards and Framework Act 1998 provides that an order under section 69(3) shall specify the religion or religious denomination in accordance with whose tenets education is provided at the school or the school is conducted.

Regulation 4 provides that an independent school's proprietor must apply to the Secretary of State for an order under section 69(3) and sets out what that application must include. The Secretary of State may consult any religious body which he considers appropriate regarding the school's application.

Regulation 5(1) sets out the circumstances in which the Secretary of State must make an order designating the independent school as having a religious character. Regulation 5(2) sets out the circumstances in which the Secretary of State may make an order designating the independent school as having religious character.

Regulation 6 provides that the Secretary of State must amend a designation order in respect of a school if he is satisfied that it is materially incorrect and when he must consult the proprietor of the school in connection with such an amendment.

A statement in relation to a school that the religious denomination is Roman Catholic does not determine whether or not the school is a Catholic School according to canon law.

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