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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1734 (W.177)**

**EDUCATION, WALES**

**The Designation of Schools Having A Religious Character and Amendments (Wales) Order 2004**

<i>Made</i> - - - -	<i>6 July 2004</i>
<i>Coming into force</i>	
<i>except for article 4(3)</i>	<i>31 July 2004</i>
<i>article 4(3)</i>	<i>31 August 2004</i>

The National Assembly for Wales makes the following Order in exercise of the powers conferred on the Secretary of State by sections 69(3) and (4) and 138(7) and (8) of the School Standards and Framework Act 1998<sup>(1)</sup>, and now vested in the National Assembly for Wales<sup>(2)</sup>, having followed the procedure specified in the Religious Character of Schools (Designation Procedure) Regulations 1998<sup>(3)</sup>:

**Name, commencement and interpretation**

1.—(1) This Order is called the Designation of Schools Having a Religious Character and Amendments (Wales) Order 2004.

(2) Except for article 4(3) this Order comes into force on 31 July 2004.

(3) Article 4(3) comes into force on 31 August 2004.

(4) In this Order “the relevant religious denomination” (“*yr enwad crefyddol perthnasol*”) means the religious denomination in accordance with whose tenets religious education is, or may be, required to be provided at a school in accordance with Schedule 19 to the School Standards and Framework Act 1998.

**Designation**

2. The schools listed in the Schedule to this Order are designated as schools having a religious character.

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(1) 1998 c. 31.

(2) See article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(3) S.I. 1998/2535.

3. The relevant religious denomination in relation to a school listed in the Schedule to this Order is —

- (a) Church in Wales, in the case of a school listed in Part I of the Schedule;
- (b) Roman Catholic, in the case of a school listed in Part II of the Schedule; and
- (c) Church of England in the case of a school listed in Part III of the Schedule.

**Amendments to the Designation of Schools Having a Religious Character (Wales) Order 1999**

4.—(1) The Designation of Schools Having a Religious Character (Wales) Order 1999<sup>(4)</sup> is amended as follows.

(2) In Part I of the Schedule to that Order —

- (a) omit the entries in respect of:
  - (i) Jeffreyston Voluntary Controlled Primary School;
  - (ii) Manordeifi Upper Voluntary Controlled Primary School;
  - (iii) Ysgol Gynradd Wirfoddol Myddfai; and
  - (iv) Portskewett Voluntary Controlled Infants School; and
- (b) omit the entry in respect of St. Paul’s Primary School from the list of Voluntary Controlled Primary Schools and insert an identical entry in respect of St. Paul’s Primary School in the list of Voluntary Aided Primary Schools.

(3) In Part II of the Schedule to that Order omit the entry in respect of St Winefrides Roman Catholic School, Denbighshire.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(5)</sup>

6 July 2004

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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<sup>(4)</sup> S.I. 1999/1814.  
<sup>(5)</sup> 1998 c. 38.

## SCHEDULE

Regulations 2 and 3

## PART I

## SCHOOLS WHOSE RELIGIOUS CHARACTER IS CHURCH IN WALES

LEA	School Name	Category of School
Monmouthshire	Archbishop Rowan Williams Church in Wales Voluntary Aided Primary School	Voluntary Aided
Pembrokeshire	St. Oswald's Church in Wales Voluntary Aided School	Voluntary Aided
Powys	Llanelwedd Church in Wales Voluntary Controlled School	Voluntary Controlled

## PART II

## SCHOOLS WHOSE RELIGIOUS CHARACTER IS ROMAN CATHOLIC

LEA	School Name	Category of School
Denbighshire	St Brigid's School	Voluntary Aided

## PART III

## SCHOOLS WHOSE RELIGIOUS CHARACTER IS CHURCH OF ENGLAND

LEA	School Name	Category of School
Powys	Sarn Church of England School	Voluntary Aided

**EXPLANATORY NOTE***(This note is not part of the Order)*

This Order, which comes into force on 31 July 2004, designates schools in Wales which have a religious character in accordance with section 69(3) of the School Standards and Framework Act 1998. These schools are designated in addition to those schools already listed in the Designation of Schools Having a Religious Character (Wales) Order 1999 ("the 1999 Order").

Designation as a school which has a religious character is relevant for a number of purposes under the School Standards and Framework Act 1998 ("the Act"), notably:

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) as part of the mechanism for determining the form of religious education to be provided under Schedule 19 to the Act;
- (b) as part of the mechanism for determining the form of collective worship to be provided under Schedule 20 to the Act;
- (c) as part of the mechanism for determining school staffing matters under sections 58-60 of the Act;
- (d) for the purposes of the determination of admission arrangements under section 89 of the Act; and
- (e) for the purposes of the disposition of assets under paragraph 5 of Schedule 3 to the Act, so that assets can be re-assigned for the benefit of schools of the same religion or religious denomination.

Designation by this Order is not of itself a means of acquiring a religious character or of changing religious character. Designation is the recognition of certain existing attributes of the school or its governing body as described in the Religious Character of Schools (Designation Procedure) Regulations 1998 (S.I.1998/2535). Under the Act a school must first close if it is to acquire a religious character, if it does not, as a question of fact, have one already, or where it is to change its religious character.

A statement in the Order in relation to a school that the religious denomination in accordance with whose tenets religious education is, or may be, required to be provided at the school in accordance with Schedule 19 to the 1998 Act, is Roman Catholic does not determine whether or not the school is a Roman Catholic Church school according to canon law.

This Order also makes amendments to the 1999 Order to reflect:

- (i) the closure of some schools which are listed in that Order; and
- (ii) a change of category to one of the schools listed in that Order.