

**Changes to legislation:** There are currently no known outstanding effects for the Curriculum and Assessment (Wales) Act 2021, Cross Heading: School Standards and Framework Act 1998 (c. 31). (See end of Document for details)

## SCHEDULE 2

### MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

#### *School Standards and Framework Act 1998 (c. 31)*

- 29 The School Standards and Framework Act 1998 is amended as follows.
- 30 In section 58 (appointment and dismissal of certain teachers at schools with a religious character), in subsection (1), in the text after paragraph (b), after “in accordance with” insert “ section 68A and ”.
- 31 In section 60 (staff at foundation or voluntary school with a religious character), in subsection (5), in paragraph (a), in sub-paragraph (i), after “under” insert “ section 68A or ”.
- 32 In Part 2, in the heading of Chapter 6 (religious education and worship), after “religious education” insert “ etc ”.
- 33 Before section 69 (and the italic heading before it) insert—

#### *“Designation of schools: Wales*

#### **Designation of schools with a religious character: Wales**

- 68A(1) For the purposes of this Part and the Curriculum and Assessment (Wales) Act 2021 a foundation or voluntary school in Wales has a religious character if it is designated as a school having such a character by an order made by the Welsh Ministers.
- (2) An order under subsection (1) must state the religion or religious denomination in accordance with whose tenets provision in the school's curriculum in respect of Religion, Values and Ethics is, or may be, required to be designed and implemented under the Curriculum and Assessment (Wales) Act 2021 (or, as the case may be, each such religion or religious denomination).
- (3) The procedure to be followed in connection with—
- (a) the designation of a school in an order under subsection (1), and
  - (b) the statement required by subsection (2),
- may be specified in regulations made by the Welsh Ministers.
- (4) Any order made under section 69(3) in respect of a foundation or voluntary school in Wales that has effect immediately before the coming into force of this section continues to have effect until revoked.
- (5) Where an order continues to have effect under subsection (4)—
- (a) the order is to be treated for all purposes as being an order made under this section,
  - (b) the school designated by the order is to be treated for all purposes as being designated under this section, and
  - (c) any references in the order to religious education are to be treated as being references to Religion, Values and Ethics.”
- 34 In the italic heading before section 69, at the end insert “ : *England* ”.

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- 35 (1) Section 69 (duty to secure due provision of religious education) is amended as follows.
- (2) In the heading, after “religious education” insert “ : England ”.
- (3) In subsection (1)—
- (a) in the words before paragraph (a), after “voluntary school” insert “ in England ”;
  - (b) in the words after paragraph (b), omit “or 101(1)(a)”.
- (4) In subsection (2)—
- (a) in the words before paragraph (a), omit “or 101(1)(a)”;
  - (b) in paragraph (a), after “voluntary schools” insert “ in England ”;
  - (c) in paragraph (b), after “voluntary controlled schools” insert “ in England ”;
  - (d) in paragraph (c), after “voluntary aided schools” insert “ in England ”.
- (5) In subsection (3), after “voluntary school” insert “ in England ”.
- 36 (1) Section 71 (exceptions and special arrangements: provision for special schools) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a), after “voluntary school” insert “ in England ”.
- (3) In subsection (2), in paragraph (a), omit “or 101(1)(a)”.
- (4) In subsection (7), after “foundation special school” insert “ in England ”.
- (5) After subsection (7) insert—
- “(7A) Regulations made by the Welsh Ministers shall make provision for ensuring that, so far as practicable, every pupil attending a community or foundation special school in Wales attends religious worship unless withdrawn from attendance at such worship—
- (a) in the case of a sixth-form pupil, in accordance with the pupil's own wishes, and
  - (b) in any other case, in accordance with the wishes of the pupil's parent.”
- 37 (1) Section 124B (designation of independent schools as having a religious character) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) Subsections (1) and (3) of section 68A (which relate to the designation of foundation or voluntary schools in Wales as having a religious character) apply in relation to an independent school in Wales as they apply in relation to a foundation or voluntary school in Wales, but as if—
- (a) in subsection (1) of that section, the references to Part 2 and the Curriculum and Assessment (Wales) Act 2021 were a reference to this Part, and
  - (b) in subsection (3) of that section, the reference to subsection (2) of that section were a reference to subsection (2) of this section.”
- (3) In subsection (1)—
- (a) after “voluntary schools” insert “ in England ”;

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- (b) after “independent school” insert “ in England ”.
- (4) In subsection (2), after “made under ” insert “ section 68A by virtue of subsection (A1) or under ”.
- 38 In section 138A (procedure for regulations)—
- (a) in the heading, after “under” insert “ section 71(7A) or ”;
- (b) in subsection (1), after “under” insert “ section 71(7A) or ”.
- 39 (1) Section 142 (general interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) in the definition of “Church in Wales school”—
- (i) for ”Secretary of State” substitute “ Welsh Ministers ”;
- (ii) for “section 69(4)” substitute “ section 68A ”;
- (b) in the definition of “regulations”, for “(except in sections 89 to 90)” substitute “ (except where otherwise stated or where the function of making the regulations has been transferred to the Welsh Ministers in relation to Wales) ”;
- (c) in the definition of “Roman Catholic Church school”, after “section” insert “ 68A or ”.
- (3) In subsection (2), for “the Secretary of State” substitute “ the Welsh Ministers ”.
- (4) In subsection (3), after “under” insert “ section 68A, ”.
- 40 (1) Section 143 (index) is amended as follows.
- (2) In the entry beginning “school which has a religious character”, after “school” in the first place it occurs insert “ in England ”.
- (3) After that entry, insert—

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“school in Wales which has a religious character

(in Part 2 in relation to a foundation or section 68A(1) voluntary school)

(in Part 5A in relation to an independent sections 68A(1) and 124B(A1)”).

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- 41 In Schedule 3, in Part 2 (funding of voluntary aided schools), in paragraph 5(12), in the definition of “appropriate schools”, in paragraph (a), after “section” insert “ 68A or ”.
- 42 (1) Schedule 19 (required provision for religious education) is amended as follows.
- (2) In the heading of the Schedule, after “RELIGIOUS EDUCATION” insert “ : ENGLAND ”.
- (3) In paragraph 1 (introductory), in sub-paragraph (1), omit “or 101(1)(a)”).
- (4) In paragraph 2 (community schools and foundation and voluntary schools without a religious character), in sub-paragraph (1)—
- (a) in paragraph (a), after “community school” insert “ in England ”;
- (b) in paragraph (b), after “voluntary school” insert “ in England ”.

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- (5) In paragraph 3 (foundation and voluntary controlled schools with a religious character), in sub-paragraph (1), after “voluntary controlled school” insert “ in England ”.
  - (6) In paragraph 4 (voluntary aided schools with a religious character), in sub-paragraph (1), after “voluntary aided school” insert “ in England ”.
- 43      In Schedule 20 (collective worship), in paragraph 5, in the words after paragraph (b), after “section” insert “ 68A or ”.

**Changes to legislation:**

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