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STATUTORY INSTRUMENTS

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**2004 No. 437**

**EMPLOYMENT AND TRAINING**

**RELIGION OR BELIEF DISCRIMINATION**

**The Employment Equality (Religion or  
Belief) (Amendment) Regulations 2004**

*Made* - - - - 20th February 2004  
*Laid before Parliament* 26th February 2004  
*Coming into force* - - 1st April 2004

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to discrimination<sup>(2)</sup>, in exercise of the powers conferred upon him by that section, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Employment Equality (Religion or Belief) (Amendment) Regulations 2004, and shall come into force on 1st April 2004.

**Amendment of the Employment Equality (Religion or Belief) Regulations 2003**

2. The Employment Equality (Religion or Belief) Regulations 2003<sup>(3)</sup> shall be amended in accordance with regulation 3 below.

3.—(1) At the beginning of regulation 20(4), insert—

“Subject to paragraph (4A),”.

(2) After regulation 20(4), insert the following paragraph—

“(4A) In relation to an institution specified in Schedule 1B, this regulation applies with the modification set out in that Schedule.”.

(3) After Schedule 1A<sup>(4)</sup>, insert—

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(1) 1972 c. 68.

(2) See the European Communities (Designation) (No 3) Order 2002 (S.I. 2002/1819).

(3) S.I. 2003/1660, amended by S.I. 2003/2828.

(4) Schedule 1A inserted by S.I. 2003/2828, regulation 3(6).

“SCHEDULE 1B

Regulation 20(4A)

Institutions in relation to which regulation 20  
(Institutions of further and higher education) is modified

1. This Schedule applies to the following institutions:—

Aquinas Sixth Form College, Stockport  
Cardinal Newman College, Preston  
Carmel College, St Helens  
Christ The King Sixth Form College, Lewisham  
Holy Cross Sixth Form College, Bury  
Loreto College, Manchester  
Notre Dame Catholic Sixth Form College, Leeds  
St. Brendan’s Sixth Form College, Brislington, Bristol  
St. Charles Catholic Sixth Form College, London W10  
St. David’s Catholic College/Coleg Catholig Dewi Sant, Cardiff  
St. Dominic’s Sixth Form College, Harrow on the Hill  
St. Francis Xavier Sixth Form College, Clapham  
Saint John Rigby Catholic Sixth Form College, Orrell, Wigan  
St. Mary’s College, Blackburn  
St. Mary’s Sixth Form College, Middlesbrough  
Xaverian Sixth Form College, Manchester

2. Subject to paragraph 3, regulation 20(1)(b) shall not apply to the institutions specified in paragraph 1 in so far as it is necessary for an institution to give preference in its admissions to persons of a particular religion or belief in order to preserve that institution’s religious ethos.

3. Paragraph 2 does not apply in relation to any admission to a course of vocational training.”.

20th February 2004

*Charles Clarke*  
Secretary of State for Education and Skills

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend regulation 20 (Institutions of further and higher education) of the Employment Equality (Religion or Belief) Regulations 2003 (S.I.2003/1660).

Regulation 20 implements Council Directive [2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p 16), in relation to vocational training (Directive Article 3(1)(b)) in so far as it is provided within further and higher education. The regulation applies generally to educational establishments within the further and higher education sectors, and therefore applies to both vocational training and the related provision by the same establishments of non-vocational courses.

These Regulations are made under section 2(2) of the European Communities Act [1972 \(c. 68\)](#). They amend paragraph (4) of regulation 20 and insert a new paragraph (4A) and a new Schedule, Schedule 1B. The effect of the amendments is that regulation 20(1)(b) (refusing or deliberately not accepting an application for admission) does not apply to the institutions within England and Wales specified in Schedule 1B in so far as it is necessary for an institution to give preference in its admissions to persons of a particular religion or belief in order to preserve its religious ethos. The modification does not apply in relation to any admission to a course of vocational training.