
STATUTORY INSTRUMENTS

2007 No. 2269

EMPLOYMENT AND TRAINING

RELIGION OR BELIEF DISCRIMINATION

SEXUAL ORIENTATION DISCRIMINATION

The Employment Equality (Sexual Orientation)
(Religion or Belief) (Amendment) Regulations 2007

<i>Made</i>	- - - -	<i>26th July 2007</i>
<i>Laid before Parliament</i>		<i>8th August 2007</i>
<i>Coming into force</i>	- -	<i>14th September 2007</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to discrimination⁽²⁾ and in exercise of the powers conferred upon him by that section makes the following Regulations:—

Citation, commencement and interpretation

1. These Regulations may be cited as the Employment Equality (Sexual Orientation) (Religion or Belief) (Amendment) Regulations 2007 and shall come into force on 14th September 2007.

2. In these Regulations—

“the Sexual Orientation Regulations” means the Employment Equality (Sexual Orientation) Regulations 2003⁽³⁾; and

“the Religion or Belief Regulations” means the Employment Equality (Religion or Belief) Regulations 2003⁽⁴⁾.

Amendments to the Sexual Orientation Regulations

3.—(1) The Sexual Orientation Regulations are amended in accordance with paragraphs (2) to (5).

(1) 1972 c.68.

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

(3) S.I. 2003/1661 to which there are amendments not relevant to these Regulations.

(4) S.I. 2003/1660 to which there are amendments not relevant to these Regulations..

(2) In regulation 2(3) (Interpretation), after the definition of “Minister of the Crown” omit “and” and insert—

““proprietor”, in relation to a school in England and Wales, has the meaning given by section 579 of the Education Act 1996⁽⁵⁾, and, in relation to a school in Scotland, means the governing body, trustees, or other person or body of persons responsible for the management of the school; and”.

(3) In regulation 16(4) (Qualifications bodies), in the definition of “qualifications body”—

(a) before “an educational establishment” insert “a governing body of”; and

(b) before “a school” insert “a proprietor of”.

(4) In regulation 17 (Providers of vocational training)—

(a) for the heading “Providers of vocational training” substitute “The provision of vocational training”;

(b) in paragraph (1) before sub-paragraph (a) insert—

“(aa) in the arrangements he makes for the purpose of determining to whom he should offer training;”; and

(c) in paragraph (4)—

(i) before ““training” includes”, insert—

““registered pupil”, in England and Wales, has the meaning given by section 434(5) of the Education Act 1996, and, in Scotland, means a pupil deemed to be attending or in attendance at a school in terms of section 135(1) of the Education (Scotland) Act 1980⁽⁶⁾.”

(ii) for the definition of “training” substitute—

““training” means—

(a) all types and all levels of training which would help fit a person for any employment;

(b) vocational guidance;

(c) facilities for training;

(d) practical work experience provided by an employer to a person whom he does not employ; and

(e) any assessment related to the award of any professional or trade qualification”; and

(iii) in the definition of “training provider”—

(aa) for sub-paragraph (b) substitute—

“(b) a governing body of an educational establishment to which regulation 20 (institutions of further and higher education) applies, or would apply but for the operation of any other provision of these Regulations, except in relation to a person who is undertaking practical work experience at the educational establishment and is not a student at, or employed by, that establishment; or”; and

(bb) for sub-paragraph (c) substitute—

“(c) a proprietor of a school in relation to a pupil registered at that or another school, except where that pupil is undertaking practical

⁽⁵⁾ 1996 c.56; in section 579, the definition of “proprietor” was amended by the School Standards and Framework Act 1998 (c.31) (section 140(1) and Schedule 30, paragraph 183(a)(iii)), S.I. 2003/2045 and 2005/2913.

⁽⁶⁾ 1980 c.44.

work experience provided by a school at which he is not registered and he is not employed by that school”.

- (5) In regulation 18(6)(a)—
- (a) before “an educational establishment” insert “a governing body of”; and
 - (b) before “a school” insert “a proprietor of”.

Amendments to the Religion or Belief Regulations

4.—(1) The Religion or Belief Regulations are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(3) (Interpretation), after the definition of “Minister of the Crown” omit “and” and insert—

““proprietor”, in relation to a school in England and Wales, has the meaning given by section 579 of the Education Act 1996, and, in relation to a school in Scotland, means the governing body, trustees, or other person or body of persons responsible for the management of the school; and”.

(3) In regulation 16(3) (Qualifications bodies) in the definition of “qualifications body”—

- (a) before “an educational establishment” insert “a governing body of”; and
- (b) before “a school” insert “a proprietor of”.

(4) In regulation 17 (Providers of vocational training)—

- (a) for the heading “Providers of vocational training” substitute “The provision of vocational training”;
- (b) in paragraph (1) before sub-paragraph (a) insert—

“(aa) in the arrangements he makes for the purpose of determining to whom he should offer training;” and

(c) in paragraph (4)—

(i) before ““training” includes”, insert—

““registered pupil”, in England and Wales, has the meaning given by section 434(5) of the Education Act 1996, and, in Scotland, means a pupil deemed to be attending or in attendance at a school in terms of section 135(1) of the Education (Scotland) Act 1980”;

(ii) for the definition of “training” substitute—

““training” means—

- (a) all types and all levels of training which would help fit a person for any employment;
- (b) vocational guidance;
- (c) facilities for training;
- (d) practical work experience provided by an employer to a person whom he does not employ; and
- (e) any assessment related to the award of any professional or trade qualification;” and

(iii) in the definition of “training provider”—

(aa) for sub-paragraph (b) substitute—

“(b) a governing body of an educational establishment to which regulation 20 (institutions of further and higher education) applies, or would apply but for the operation of any other provision of

these Regulations, except in relation to a person who is undertaking practical work experience at the educational establishment and is not a student at, or employed by, that establishment; or”; and

(bb) for sub-paragraph (c) substitute—

“(c) a proprietor of a school in relation to a pupil registered at that or another school, except where that pupil is undertaking practical work experience provided by a school at which he is not registered and he is not employed by that school.”.

(5) In regulation 18(6)(a)—

(a) before “an educational establishment” insert “a governing body of”; and

(b) before “a school” insert “a proprietor of”.

26 July 2007

Andrew Adonis
Parliamentary Under Secretary of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 2(2) of the European Communities Act 1972 (c.68). They amend the Employment Equality (Religion or Belief) Regulations 2003 (S.I. 2003/1660) and the Employment Equality (Sexual Orientation) Regulations 2003 (S.I. 2003/1661) (together “the 2003 Regulations”). The 2003 Regulations implemented 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).

The amendments made by these Regulations affect only the parts of the 2003 Regulations which deal with unlawful discrimination by qualifications bodies and providers of vocational training.

Regulation 3 makes amendments to the Employment Equality (Sexual Orientation) Regulations 2003, and Regulation 4 makes identical amendments to the Employment Equality (Religion or Belief) Regulations 2003.

Regulations 3(2) and 4(2) insert into the 2003 Regulations a definition of “proprietor” in relation to schools.

Regulations 3(3) and (5), and 4(3) and (5) amend references to schools and educational establishments in the 2003 Regulations so that the references are to the proprietor of a school, and to the governing body of an educational establishment.

Regulations 3(4) and 4(4) amend Regulation 17 (Providers of vocational training) in each of the 2003 Regulations by:

- (i) adding a new provision making it unlawful for a training provider to discriminate in the arrangements he makes in determining to whom he should offer training;
- (ii) substituting a new definition of “training”;
- (iii) amending, in the definition of “training provider”, the references to a school and to educational establishments which are institutions of further and higher education to which Regulation 20 of the 2003 Regulations applies. The 2003 Regulations excluded schools and such educational establishments from this definition. The amended references maintain the exclusion for schools and these educational establishments in relation to registered pupils or students, but include schools and educational establishments where a person is undertaking practical work experience provided by a school or such an educational establishment; and
- (iv) adding a definition of “registered pupil”.

A Regulatory Impact Assessment has not been prepared for this Instrument as it has no impact on business.