

*Status: Point in time view as at 01/07/2012.*

*Changes to legislation: Equality Act 2010, Cross Heading: Educational appointments, etc: religious belief is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 22

#### STATUTORY PROVISIONS

##### *Educational appointments, etc: religious belief*

- 3 (1) A person does not contravene Part 5 (work) only by doing a relevant act in connection with the employment of another in a relevant position.
- (2) A relevant position is—
- (a) the head teacher or principal of an educational establishment;
  - (b) the head, a fellow or other member of the academic staff of a college, or institution in the nature of a college, in a university;
  - (c) a professorship of a university which is a canon professorship or one to which a canonry is annexed.
- (3) A relevant act is anything it is necessary to do to comply with—
- (a) a requirement of an instrument relating to the establishment that the head teacher or principal must be a member of a particular religious order;
  - (b) a requirement of an instrument relating to the college or institution that the holder of the position must be a woman;
  - (c) an Act or instrument in accordance with which the professorship is a canon professorship or one to which a canonry is annexed.
- (4) Sub-paragraph (3)(b) does not apply to an instrument taking effect on or after 16 January 1990 (the day on which section 5(3) of the Employment Act 1989 came into force).
- (5) A Minister of the Crown may by order provide that anything in sub-paragraphs (1) to (3) does not have effect in relation to—
- (a) a specified educational establishment or university;
  - (b) a specified description of educational establishments.
- (6) An educational establishment is—
- (a) a school within the meaning of the Education Act 1996 or the Education (Scotland) Act 1980;
  - (b) a college, or institution in the nature of a college, in a university;
  - (c) an institution designated by order made, or having effect as if made, under section 129 of the Education Reform Act 1988;
  - (d) a college of further education within the meaning of section 36 of the Further and Higher Education (Scotland) Act 1992;
  - (e) a university in Scotland;
  - (f) an institution designated by order under section 28 of the Further and Higher Education Act 1992 or section 44 of the Further and Higher Education (Scotland) Act 1992.

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(7) This paragraph does not affect paragraph 2 of Schedule 9.

#### Commencement Information

**I1** Sch. 22 para. 3 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(14)(d) (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

- 4 A person does not contravene this Act only by doing anything which is permitted for the purposes of—
- (a) section 58(6) or (7) of the School Standards and Framework Act 1998 (dismissal of teachers because of failure to give religious education efficiently);
  - (b) section 60(4) and (5) of that Act (religious considerations relating to certain appointments);
  - (c) section 124A of that Act (preference for certain teachers at independent schools of a religious character).
- [<sup>F1</sup>(d) section 124AA(5) to (7) of that Act (religious considerations relating to certain teachers at Academies with religious character).]

#### Textual Amendments

**F1** Sch. 22 para. 4(d) inserted (1.2.2012) by Education Act 2011 (c. 21), s. 62(4)(c); S.I. 2012/84, art. 3

#### Commencement Information

**I2** Sch. 22 para. 4 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(14)(d) (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

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