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STATUTORY INSTRUMENTS

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**1994 No. 1304**

**EDUCATION, ENGLAND AND WALES**

**The Religious Education (Meetings of Local  
Conferences and Councils) Regulations 1994**

<i>Made</i>	- - - -	<i>12th May 1994</i>
<i>Laid before Parliament</i>		<i>16th May 1994</i>
<i>Coming into force</i>	- -	<i>1st September 1994</i>

In exercise of the powers conferred on the Secretary of State by sections 258 and 301(1) and (6) of the Education Act 1993<sup>(1)</sup>, the Secretary of State for Education, as regards England, and the Secretary of State for Wales, as regards Wales, hereby make the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Religious Education (Meetings of Local Conferences and Councils) Regulations 1994 and shall come into force on 1st September 1994.

(2) In these Regulations—

“authority” means the local education authority;

“conference” means a conference constituted in accordance with the provisions of the Fifth Schedule to the Education Act 1944<sup>(2)</sup>;

“council” means a standing advisory council constituted under section 11 of the Education Reform Act 1988<sup>(3)</sup>;

“meeting” means a meeting of a conference or of a council, as the case may be.

**Application of Regulations**

2. The provisions of these Regulations apply to the committees, sub-committees and representative groups referred to in paragraphs (a) to (c) of section 258(3) of the Education Act 1993 as they apply to conferences and councils.

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(1) 1993 c. 35.  
(2) 1944 c. 31.  
(3) 1988 c. 40.

### **Meetings to be held in public**

3.—(1) Subject to paragraph (2) below and regulation 9 below,—

- (a) a meeting shall be open to members of the public; and
- (b) while a meeting is open to members of the public the conference or the council shall not have power to exclude from the meeting members of the public or duly accredited representatives of news media attending the meeting for the purpose of reporting the proceedings.

(2) For the purpose of suppressing or preventing disorderly conduct or other misbehaviour at a meeting the conference or the council shall have power to exclude any person from a meeting.

### **Notice of meetings**

4. Public notice of the time and place of a meeting shall be given by posting it at the offices of the authority which has convened the conference or established the council (as the case may be) three clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened.

### **Inspection of agendas and reports for meetings before and during meetings**

5.—(1) Copies of the agenda for a meeting and, subject to paragraph (5) below, copies of any report for the meeting shall be available for inspection by members of the public at the offices of the authority in accordance with paragraph (3) below.

(2) Any document which is required by paragraph (1) above to be available for inspection shall be so available at least three clear days before the meeting, except that—

- (a) where the meeting is convened at shorter notice, any such documents shall be available for inspection from the time the meeting is convened; and
- (b) where an item is added to an agenda copies of which are available for inspection, copies of the item (or of the revised agenda) and the copies of any report for the meeting relating to the item shall be available for inspection from the time the item is added to the agenda,

but nothing in this paragraph requires any such copy to be available for inspection until copies are available to members of the conference or council.

(3) An item of business may not be considered at a meeting unless either—

- (a) a copy of the agenda including the item (or a copy of the item) has been available for inspection from the time required by paragraph (2) above; or
- (b) by reason of special circumstances (which shall be specified in the minutes) the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

(4) Where a meeting is required to be open to members of the public during the proceedings or any part of them, there shall be made available for use by members of the public present at the meeting a reasonable number of copies of the agenda and, subject to paragraph (5) below, of the reports for the meeting.

(5) If the chairman of the conference or of the council (as the case may be) thinks fit, there may be excluded from the copies of reports made available in pursuance of paragraph (1) or paragraph (4) above the whole of any report which, or any part of which, relates only to items during which, in his opinion, the meeting is likely not to be open to the public; and, accordingly, where the whole or any part of a report is not to be available for inspection, every copy of the report (or of the part) shall be marked “Not for publication”.

### **Provision of copies of agendas and reports for meetings**

6.—(1) Copies of the agenda for a meeting and copies of any report for a meeting shall be provided to members of the public on payment of such fee as the conference or the council (as the case may be) think fit (not exceeding the cost of supply) and paragraphs (2), (4) and (5) of regulation 5 above shall have effect in relation to the provision of copies of agendas and reports as they have effect in relation to the inspection of them.

(2) In relation to any document this regulation has effect during the period beginning with the date ascertained under regulation 5(2) above and ending with the expiration of six years beginning with the date of the meeting to which it relates.

### **Inspection of agendas and reports for meetings after meetings**

7.—(1) After a meeting the following documents shall be available for inspection by members of the public at the offices of the authority until the expiration of six years beginning with the date of the meeting, namely,—

- (a) a copy of the agenda for the meeting;
- (b) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to members of the public; and
- (c) a copy of so much of the minutes of the meeting as relates to any such item.

### **Copying of documents**

8.—(1) The right to inspect any document under any provision of these Regulations includes the right to make copies of, or take extracts from, any such document.

(2) Nothing in these Regulations requires or authorises the doing of any act which infringes the copyright in any work.

(3) Where the owner of the copyright is the conference or council, nothing permitted or authorised by these Regulations shall infringe that copyright.

### **Confidentiality**

9.—(1) Nothing in these Regulations shall be taken to authorise or require the disclosure of confidential information.

(2) The public may be excluded from a meeting during an item of business whenever it is likely that, if members of the public were present, confidential information would be disclosed.

(3) In this regulation “confidential information” means—

- (a) any information furnished to the conference or the council (or to any committee, sub-committee or representative group referred to in paragraphs (a) to (c) of section 258(3) of the Education Act 1993<sup>(4)</sup>) by a government department or public authority or body upon terms (however expressed) which forbid the disclosure of the information to the public;
- (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;
- (c) information relating to any person which it appears to the conference or the council ought not to be disclosed to the public;
- (d) information relating to any legal advice sought or received by the conference or the council,

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(4) 1993 c. 35.

and in this paragraph “information” includes any expression of opinion, any recommendation and any decision taken.

**Privilege against defamation**

**10.** Where, in accordance with these Regulations,—

- (a) any document is made available for inspection by members of the public;
- (b) any copy of a document is provided by a conference or council; or
- (c) any copy of a document is made by a member of the public in accordance with regulation 8(1) above,

the publication thereby of any defamatory matter contained in the document shall be privileged unless the publication is proved to have been made with malice.

9th May 1994

*John Patten*  
Secretary of State for Education

12th May 1994

*John Redwood*  
Secretary of State for Wales

## **EXPLANATORY NOTE**

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

These Regulations make provision for public access to meetings of agreed syllabus conferences and standing advisory councils on religious education (SACREs) and for public access to agendas and reports for, and minutes of, those meetings. Similar provision is made in respect of meetings of committees constituting conferences, of sub-committees appointed by conferences and of representative groups on councils. There is special provision in relation to specified confidential information.