WELSH STATUTORY INSTRUMENTS

2003 No. 3233 (W.313)

EDUCATION, WALES

The Independent Schools (Religious Character of Schools) (Designation Procedure) (Wales) Regulations 2003

Made - - - -	*9th December 2003*
Coming into force - -	*1st January 2004*

In exercise of the powers conferred on the Secretary of State by sections 69(5) as it applies to independent schools and 138(7) of the School Standards and Framework Act 1998(**1**) and transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999(**2**), the National Assembly for Wales makes the following Regulations:

Name, commencement and application

1.—(1) These Regulations are called the Independent Schools (Religious Character of Schools) (Designation Procedure) (Wales) Regulations 2003 and come into force on 1st January 2004.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations —

(a) "the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998;

(b) "National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

(c) "the relevant religion or religious denomination" ("*y grefydd berthnasol neu'r enwad crefyddol perthnasol*") means the religion or religious denomination in accordance with whose tenets religious education is or may be required to be provided at the school, or the school is conducted (or, as the case may be, each such religion or religious denomination);

(d) "section 69(3)" ("*adran 69(3)*") means section 69(3) of the 1998 Act as it applies to independent schools by virtue of section 124B of that Act.

(**1**) 1998 c. 31; section 124B was inserted by the Independent Schools (Employment of Teachers in Schools with a Religious Character) Regulations 2003 (S.I. 2003/2037).

(**2**) S.I. 1999/672.

Application of these Regulations

3. These Regulations specify the procedure to be followed in connection with —

(a) the designation, in an order under section 69(3), of an independent school as having a religious character; and

(b) the statement in such an order, in relation to such a school, of the relevant religion or religious denomination.

Application procedure

4.—(1) In order for an independent school to be designated as a school which has a religious character, the school's proprietor must apply to the National Assembly for an order under section 69(3).

(2) The application must —

(a) state the relevant religion or religious denomination of the school;

(b) include the grounds on which the application is based and any supporting evidence of those grounds; and

(c) include any representations made by a religious body on behalf of the school.

(3) On receipt of an application for an order, under these Regulations, the National Assembly may consult any religious body regarding the school's application, which it considers appropriate.

Designation Procedure

5.—(1) If a school's proprietor applies for an order under these Regulations, the National Assembly must designate the school as a school which has a religious character if —

(a) it is satisfied that the school is conducted, or education at the school is provided, in accordance with the tenets of one or more religions or religions denominations; and

(b) some or all of the premises currently occupied by the school were provided on trust in connection with —

(i) the provision of education, or

(ii) the conduct of an educational institution

in accordance with the tenets of one or more religions or religious denominations; or

(c) at least one member of the governing body is a person appointed as a governor to represent the interests of one or more religions or religious denominations; or

(d) the governing instrument of the school provides —

(i) that the school will be conducted in accordance with the tenets of one or more religions or religious denominations; or

(ii) that education at the school will be provided in accordance with the tenets of one or more religions or religious denominations.

(2) If a school's proprietor applies for an order in accordance with these Regulations but paragraph (1) does not apply, the National Assembly may nevertheless designate a school which has a religious character if it considers it appropriate to do so having regard to the following —

(a) whether the school is conducted in accordance with the tenets of one or more religions or religious denominations;

(b) whether education at the school is provided in accordance with the tenets of one or more religions or religious denominations; and

(c) any representations made by a religious body on behalf of the school.