

Status: Point in time view as at 01/08/2019.

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 23 April 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;
 - [^{F1}(ca) a registered higher education provider of a description prescribed by regulations made for the purposes of section 39(1) of the Higher Education and Research Act 2017;]
 - (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;

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- (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.

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

Textual Amendments

- F1** Sch. 22 para. 3(6)(ca) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **12**

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).
- [^{F2}(d) section 124AA(5) to (7) of that Act (religious considerations relating to certain teachers at Academies with religious character).]

Textual Amendments

- F2** 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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