

VI. REINO UNIDO

En el sistema constitucional del Reino Unido de Gran Bretaña e Irlanda del Norte las normas que afectan a los distintos grupos religiosos, a pesar de la singularidad propia de cada religión, mantienen una serie de características comunes debido a su pasado histórico y a su desarrollo paralelo. Actualmente existen tres categorías de Iglesias:

Las iglesias establecidas, es decir, legalmente reconocidas como iglesia del Estado: en Inglaterra, la Iglesia Anglicana y en Escocia la Iglesia Presbiteriana. Estas iglesias, que son diferentes, comparten un carácter común: han contribuido a crear un sentido de identidad nacional en la población (a menudo se ha considerado a la Asamblea General de la Iglesia de Escocia como su parlamento).

Las iglesias desestablecidas, la Iglesia de Gales y la Iglesia de Irlanda dejaron de ser confesiones establecidas u oficiales en 1920 y en 1870, respectivamente, produciéndose una atenuación significativa de sus vínculos con el Estado. Ahora bien, aún pueden apreciarse en sus legislaciones, tanto estatal como religiosa, vestigios de la fórmula anterior, mucho más nítidos en el caso de Gales.

Las iglesias libres o no oficiales, como la Iglesia Episcopal Escocesa, la Bautista, la iglesia Unida Reformada, la Metodista. Aunque el Reino Unido es predominantemente cristiano, sólo uno de cada diez ciudadanos es católico, y la mayoría de las demás religiones no cristianas están representadas.

La teoría actual propone que el Estado y sus leyes sean neutrales respecto a todas las religiones. Esta afirmación general esconde una serie compleja de normativas, y a menudo los términos de estas disposiciones son contradictorios.

Estas normativas pueden ser:

- de identificación/separación entre la Iglesia y el Estado,
- indiferencia y neutralidad del Estado hacia la religión o tratamiento preferencial y discriminatorio, y
- de intervención/no intervención.

Todas estas características son el resultado de desarrollos legislativos que vienen desde la Reforma inglesa del siglo XVI hasta el siglo XIX.

Así, la legislación parlamentaria continúa ocupándose de materias religiosas, las «*measures*» (que tienen la misma eficacia que una ley del Parlamento) y los «*canons*» necesitan la aprobación de la Corona. Con el fin de mostrar que en la actualidad siguen vigentes normas y declaraciones doctrinales muy antiguas a continuación reproducimos el texto «curiosidades históricas de Francis Lyall»⁴⁰.

HISTORIC CURIOSITIES

In the UK there remain some strange exceptions to the normal freedom of religion under which particular religious law is either bolstered by civil law, or that law requires a person to possess certain qualifications which are rooted in religious law. Historically based these largely affect the Crown and its representatives.

At accession and coronation the Sovereign must take the oaths to preserve the established churches and religions which are prescribed Scots and English law. Under ss. 1 and 2 of the Act of Settlement 1700 the Sovereign must be a Protestant. The Sovereign and persons within the immediate line of succession to the throne may not marry a Roman Catholic. Such a marriage within the UK would be void. Any person in the line of succession may escape the prohibition by relinquishing that right of succession and marrying abroad. A corollary of the requirement that the Sovereign be Protestant is that a Roman Catholic cannot act as Regent.

Within the last few years increasing questions have emerged as to these requirements of the Royal family. Often now the question arises in connection with Prince Charles. The Sovereign is the Head of the Church of England - though, it should be noted, not of the (Presbyterian) Church of Scotland which does not have such a position. Could Prince Charles, a divorced man, become the Head of a Church (the Church of England) which frowns on divorce. That his former wife is now dead has somewhat altered his technical status, but there is also the possibility of his re-marriage to a divorced person with whom he has had an affair or the continuation of that relationship. Some say that there is no problem in strict law, but many within the Church of England are uneasy, and it might happen that this particular problem will trigger a more thorough consideration of the establishment of the Church of England, and result in the ending of its formal state connection. The Church of England could become independent, as many churches within the Anglican Communion are. That would also solve the problem of the nomination of bishops by a Prime Minister who may lack any Christian belief whatsoever. It would also permit the British monarch to be an avowed atheist, or to convert to Islam.

Turning to other matters, the person who represents the Crown at the General Assembly of the Church of Scotland, the Lord High Commissioner, may not be a Roman Catholic. It used to be the case that a Roman Catholic could not be Lord Chancellor, but this was changed in 1974, with a provision that where a Catholic is appointed, his ecclesiastical duties are taken elsewhere for the duration of that tenure of office.

VI.1. INGLATERRA

VI.1.1. LEGISLACIÓN

**Act of Supremacy
1558 c.1 1_Eliz_1**

Accession Declaration Act 1910
1910 C.29 10_Edw_7_and_1_Geo_5
Ámbito de aplicación: E+W+S+N.I

⁴⁰ Francis Lyall: Religious law and its application by civil and religious jurisdictions in Great-Britain en *Religion in Comparative Law at the Dawn of the 21st Century*. Bruxelles: International Academy of Comparative Law, 2000.

Church of England Assembly (Powers) Act 1919
(Known as the Enabling Act)
Ámbito de aplicación E+W+S+N.I.

Diocesan Boards of Finance Measure 1925
Ámbito de aplicación E+W+S+N.I.

Ecclesiastical Jurisdiction Measure 1963 No.1

Faculty Jurisdiction Measure 1964 No.5

Church of England Convocations Act 1966 C.2

Sharing of Church Buildings Act 1969 C.38
Ámbito de aplicación : E+W

Synodical Government Measure 1969 No. 2

Synodical Government (Special Majorities) Measure 1971 No. 1

Synodical Government (Amendment) Measure 1974 No.1
Synodical Government (Amendment) Measure 2003 No. 1

Church and State. Report of the Archbishops' Commission, 1970

Ecclesiastical Judges and Legal Officers Measure 1976 No.2
Ámbito de aplicación :E+W+S+N.I.

Interpretation Act 1978 C.30
Ámbito de aplicación : E+W+S+N.I.

Parochial Registers and Records Measure 1978 No.2
Ámbito de aplicación : E+W+S+N.I.

Dioceses Measure 1978 No.1
Ámbito de aplicación: E+W+S+N.I.

Ecclesiastical Fees Measure 1986 No. 2

Care of Cathedrals Measure 1990 No. 2

Care of Cathedrals (Amendment) Measure 2005 No. 2

Courts and Legal Services Act 1990 C. 41

Care of Churches and Ecclesiastical Jurisdiction Measure 1991 No. 1

Diocesan Boards of Education Measure 1991 No. 2

The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994
Statutory Instrument 1994 No. 1771

Further and Higher Education Act 1992 C. 13

Priests (Ordination of Women) Measure 1993 No. 2

Church of England (Legal Aid) Measure 1994 No. 3

National Institutions Measure 1998 No. 1

School Standards and Framework Act 1998 C. 31
Ámbito de aplicación : E+W+S

Human Rights Act 1998 C. 42

The Prison Rules 1999
Statutory Instrument 1999 No. 728
Ámbito de aplicación: E+W+S+N.I.

House Of Lords Act 1999 C. 34

Cathedrals Measure 1999 No. 1

United Reformed Church Act 2000 C. II
Ámbito de aplicación : E+W+S+N.I.

Powers of Criminal Courts (Sentencing) Act 2000 C. 6
Ámbito: E+W+S+N.I.

Trustee Act 2000 C. 29
Ámbito de aplicación: E+W

Local Government Act 2000 C. 22
Ámbito de aplicación: E+W

Churchwardens Measure 2001 (No. 1)

House of Commons (Removal of Clergy Disqualification) Act 2001 C.13

Divorce (Religious Marriages) Act 2002 C. 27

Police Reform Act 2002 C. 30
Ámbito de aplicación E+W+S+N.I.

Education Act 2002 C.32
Ámbito de aplicación E+W

The Employment Equality (Religion or Belief) Regulations 2003

Statutory Instrument 2003 No. 1660
Ámbito de aplicación: E+W+S+N.I.

The Employment Equality (Religion or Belief) (Amendment) Regulations 2003
Statutory Instrument 2003 No. 2828

The Employment Equality (Religion or Belief) Regulations 2003 (Amendment) (No.2) Statutory Instrument Regulations 2004 No. 2520

The Employment Equality (Religion or Belief) (Amendment) Regulations 2004
Statutory Instrument Regulations 2004 No. 437

Church Of England (Pensions) Measure 2003 No. 1

Clergy Discipline Measure 2003 No. 3

Health Service Guidelines: Chaplaincy meeting the religious and spiritual needs of patients
The Department of Health, published date 4/11/2003

Designation of Schools Having a Religious Character (Independent Schools) (England) (No.3) Order 2003 Statutory Instrument No. 3328
Ámbito de aplicación : E+W+S+N.I.

School Governance (Constitution) (England) Regulations 2003 No. 348
Ámbito de aplicación E+W+S+N.I.

Local Government Act 2003

Civil Partnership Act 2004 c. 33
Ámbito de aplicación: E+W+S+N.I.

Gender Recognition Act 2004 C. 7
Ámbito de aplicación: E+W+S+N.I.

Education Act 2005 C. 18

Ámbito de aplicación: E+W+S+N.I.

The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005

Statutory Instrument 2005 No. 3325

Ámbito de aplicación: E+W+S+N.I.

The Clergy Discipline Appeal Rules 2005

Statutory Instrument 2005 No. 3201

The Clergy Discipline Rules 2005 No. 2022

Ámbito de aplicación E+W+S+N.I.

The Grants to the Churches Conservation Trust Order 2006
2006 No. 1008

Ámbito de aplicación E+W+S+N.I.

The Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2006 No. 1943

Ámbito de aplicación E+W+S+N.I.

Equality Act 2006 C. 3

E+W+S

Charities Act 2006 C. 50

Ámbito de aplicación E+W+S+N.I.

Church of England (Miscellaneous Provisions) Measure 2006
2006 No. 1

Act of Supremacy

1558 c.1 1_Eliz_1

An Acte restoring to the Crowne thauncyent Jurisdiction over the State Ecclesiasticall and Spirituall, and abolyshing all For-reine Power repugnant to the same.

Annotations:

Modifications etc. (not altering text)

C1 Short title given by Statute Law Revision Act 1948 (c. 62), Sch. 2

C2 Act repealed (N.I.) by Statute Law Revision Act 1950 (c. 6) and Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

C3 Preamble repealed by Statute Law (Repeals) Act 1969 (c. 52)

Editorial Information

X1 Abbreviations or contractions in the original form of this Act have been expanded into modern lettering in the text set out below.

I—III.

Annotations:

Amendments (Textual)

Ss. 1–3 repealed by Statute Law Revision Act 1948 (c. 62) and Statute Law (Repeals) Act 1969 (c. 52), Sch. Pt. II

IV

Annotations:

Amendments (Textual)

S. 4 repealed by Statute Law (Repeals) Act 1969 (c. 52), Sch. Pt. II

V

Annotations:

Amendments (Textual)

S. 5 repealed by Statute Law Revision Act 1948 (c. 62) and Statute Law (Repeals) Act 1969 (c. 52), Sch. Pt. II

VI

Annotations:

Amendments (Textual)

S. 6 repealed by Statute Law Revision Act 1948 (c. 62)

VII

Annotations:

Amendments (Textual)

S. 7 repealed by Statute Law Revision Act 1948 (c. 62) and Statute Law (Repeals) Act 1969 (c. 52), Sch. Pt. II

All Spiritual Jurisdiction united to the Crown.

VIII. And That suche Jurisdictions Privileges Superiorities and Preheminences Spirituall and Ecclesiasticall, as by any Spirituall or Ecclesiasticall Power or Auctorite hathe heretofore bene or may lawfully be exercised or used for the Visitacion of the Ecclesiasticall State and Persons, and for Reformacion Order and Correccion of the same and of all maner of Errours Heresies Scismes Abuses Offences Contemptes and Enormities, shall for ever by auctorite of this present Parliament be united and annexed to the Imperiall Crowne of this Realme:

Annotations:

Amendments (Textual)

Words repealed by the Act 16 Car. 1 c. 11, s. 1 and confirmed by Ecclesiastical Jurisdiction Act 1661 (c. 12), s. 3

IX

Annotations:

Amendments (Textual)

S. 9 repealed by Statute Law Revision Act 1863 (c. 125)

X—XIII

Annotations:

Amendments (Textual)

Ss. 10–13 repealed by Promissory Oaths Act 1871 (c. 48), Sch. 1 Pt. II

XIV

Annotations:

Amendments (Textual)

S. 14 repealed by Religious Disabilities Act 1846 (c. 59), s. 1, Statute Law Revision Act 1948 (c. 62) and Statute Law (Repeals) Act 1969 (c. 52)

XV

Annotations:

Amendments (Textual)

S. 15 repealed by Criminal Law Act 1967 (c. 58), Sch. 3 Pt. I

XVI

Annotations:

Amendments (Textual)

S. 16 repealed by Statute Law Revision Act 1948 (c. 62)

XVII

Annotations:

Amendments (Textual)

S. 17 repealed by Statute Law Revision Act 1863 (c. 125)

XVIII

Annotations:

Amendments (Textual)

S. 18 repealed by Criminal Justice Act 1948 (c. 58), s. 81, Sch. 10 Pt. III

XIX

Annotations:

Amendments (Textual)

S. 19 repealed by Statute Law (Repeals) Act 1969 (c. 52), Sch. Pt. II

XX

Annotations:

Amendments (Textual)

S. 20 repealed by Statute Law Revision Act 1863 (c. 125)

XXI, XXII

Annotations:

Amendments (Textual)

Ss. 21, 22 repealed by Statute Law (Repeals) Act 1969 (c. 52), Sch. Pt. II

XXIII, XXIV

Annotations:

Amendments (Textual)

Ss. 23, 24 repealed by Statute Law Revision Act 1863 (c. 125)

Accession Declaration Act 1910

1910 c.29 10_Edw_7_and_1_Geo_5

1. Alteration of form of accession declaration.
2. Short title.

Schedules

SCHEDULE {I [here insert the name of the Sovereign] do solemnly and sincerely in the presence of God pr...}

An Act to alter the form of the Declaration required to be made by the Sovereign on Accession.[3rd August 1910]

Alteration of form of accession declaration

1. The declaration to be made, subscribed, and audibly repeated by the Sovereign under section one of the Bill of Rights and section two of the Act of Settlement shall be that set out in the Schedule to this Act instead of that referred to in the said sections.

Short title

2. This Act may be cited as the Accession Declaration Act 1910.

SCHEDULE

I [here insert the name of the Sovereign] do solemnly and sincerely in the presence of God profess, testify, and declare that I am a faithful Protestant, and that I will, according to the true intent of the enactments which secure the Protestant succession to the Throne of my Realm, uphold and maintain the said enactments to the best of my powers according to law.

Church of England Assembly (Powers) Act 1919

1919 c.76 9_and_10_Geo_5

(Known as the Enabling Act)

An Act to confer powers on the National Assembly of the Church of England constituted in accordance with the constitution attached as an Appendix to the Addresses presented to His Majesty by the Convocations of Canterbury and York on the tenth day of May nineteen hundred and nineteen, and for other purposes connected therewith.[23rd December 1919]

Whereas the Convocations of Canterbury and York have recommended in Addresses presented to His Majesty on the tenth day of May nineteen hundred and nineteen, that, subject to the control and authority of His Majesty and of the two Houses of Parliament, powers in regard to legislation touching matters concerning the Church of England shall be conferred on the National Assembly of the Church of England constituted in the manner set forth in identical terms in the Appendix attached to their several Addresses:

And whereas it is expedient, subject to such control and authority as aforesaid, that such powers should be conferred on the Church Assembly so constituted:

1. Definitions.
2. Establishment of an Ecclesiastical Committee.
3. Measures passed by Church Assembly to be submitted to Ecclesiastical Committee.
4. Procedure on measures reported on by the Ecclesiastical Committee.
5. Short title

Definitions**1** In this Act -

(1) 'The National Assembly of the Church of England' (hereinafter called 'the Church Assembly') means the Assembly constituted in accordance with the constitution set forth in the Appendix to the Addresses presented to His Majesty by the Convocations of Canterbury and York on the tenth day of May nineteen hundred and nineteen, and laid before both Houses of Parliament;

(2) 'The Constitution' means the Constitution of the Church (as hereinafter set forth in the Appendix to the Addresses presented by the Convocations of Canterbury and York to His Majesty as aforesaid);

(3) 'The Legislative Committee' means the Legislative Committee of the Church Assembly appointed in accordance with the provisions of the Constitution;

(4) 'The Ecclesiastical Committee' means the Committee established as provided in section two of this Act;

(5) 'Measure' means a legislative measure intended to receive the Royal Assent and to have effect as an Act of Parliament in accordance with the provisions of this Act.

Establishment of an Ecclesiastical Committee

2 (1) There shall be a Committee of members of both Houses of Parliament styled 'The Ecclesiastical Committee'.

(2) The Ecclesiastical Committee shall consist of fifteen members of the House of Lords, nominated by the Lord Chancellor and fifteen members of the House of Commons nominated by the Speaker of the House of Commons, to be appointed on the passing of this Act to serve for the duration of the present Parliament and thereafter to be appointed at the commencement of each Parliament to serve for the duration of that Parliament. Any casual vacancy occurring by the reason of the death, resignation, or incapacity of a member of the Ecclesiastical Committee shall be filled by the nomination of a member by the Lord Chancellor or the Speaker of the House of Commons, as the case may be.

(3) The powers and duties of the Ecclesiastical Committee may be exercised and discharged by any twelve members thereof, and the Committee shall be entitled to sit and to transact business whether Parliament be sitting or not, and notwithstanding to vacancy in the membership of the Committee. Subject to the provisions of this Act, the Ecclesiastical Committee may regulate its own procedure.

Measures passed by Church Assembly to be submitted to Ecclesiastical Committee

3 (1) Every measure passed by the Church Assembly shall be submitted by the Legislative Committee to the Ecclesiastical Committee, together with such comments and explanations as the Legislative Committee may deem it expedient or be directed by the Church Assembly to add.

(2) The Ecclesiastical Committee shall thereupon consider the measure so submitted to it, and may, at any time during such consideration, either of its own motion or at the request of the Legislative Committee, invite the Legislative Committee to a conference to discuss the provisions thereof, and thereupon a conference of the two committees shall be held accordingly.

(3) After considering the measure, the Ecclesiastical Committee shall draft a report thereon to Parliament stating the nature and legal effect of the measure and its views as to the expediency thereof, especially with relation to the constitutional rights of all His Majesty's subjects.

(4) The Ecclesiastical Committee shall communicate its report in draft to the Legislative Committee, but shall not present it to Parliament until the Legislative Committee signify its desire that it should be so presented.

(5) At any time before the presentation of the report to Parliament the Legislative Committee may, either on its own motion or by direction of the Church Assembly, withdraw a measure from further consideration by the Ecclesiastical Committee; but the Legislative Committee shall have no power to vary a measure of the Church Assembly either before or after conference with the Ecclesiastical Committee.

(6) A measure may relate to any matter concerning the Church of England, and may extend to the amendment or repeal in whole or in part of any Act of Parliament, including this Act:

Provided that a measure shall not make any alteration in the composition or powers or duties of the Ecclesiastical Committee, or in the procedure in Parliament prescribed by section four of this Act.

(7) No proceedings of the Church Assembly in relation to a measure shall be invalidated by any vacancy in the membership of the Church Assembly or by any defect in the qualification or election of any member thereof.

Procedure on measures reported on by the Ecclesiastical Committee

4. When the Ecclesiastical Committee shall have reported to Parliament on any measure submitted by the Legislative Committee, the report, together with the text of such measure, shall be laid before both Houses of Parliament forthwith, if Parliament be then sitting, or, if not, then immediately after the next meeting of Parliament, and thereupon, on a resolution being passed by each House of Parliament directing that such measure in the form laid before Parliament should be presented to His Majesty, such measure shall be presented to His Majesty,

and shall have the force and effect of an Act of Parliament on the Royal Assent being signified thereto in the same manner as to Acts of Parliament:

Provided that, if upon a measure being laid before Parliament the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons acting in consultation, shall be of opinion that the measure deals with two or more different subjects which might be more properly divided, they may, by joint agreement, divide the measure into two or more separate measures accordingly, and thereupon this section shall have effect as if each of the measures resulting from such division had been laid before Parliament as a separate measure.

Short title

5. This Act may be cited as the Church of England Assembly (Powers) Act 1919.

Church of England Convocations Act 1966 (c.2)

An Act to make further provision with respect to the duration of the Convocations of the provinces of Canterbury and York. [24th February 1966]

Duration of Convocations

1.— (1) Notwithstanding any custom or rule of law to the contrary, the Convocations of Canterbury and York may be called together and dissolved at such times as Her Majesty may determine, without regard to the time at which Parliament is summoned or dissolved.

(2) A Convocation of Canterbury or York shall (unless sooner dissolved pursuant to Her Majesty's directions) stand dissolved at the expiration of the period of five years (or in the case of the Convocations existing at the passing of this Act, six years) beginning with the date for which it was called together.

(3) On the dissolution of the said Convocations, the power of Her Majesty to provide for the election of members and the calling together of new Convocations shall be exercised as heretofore so as to secure that the new Convocations are called together as soon as may be convenient after the dissolution of the old.

(4) It is hereby declared that the said Convocations are not dissolved by the demise of the Crown.

Short Title

2. This Act may be cited as the Church of England Convocations Act 1966.

Sharing of Church Buildings Act 1969 c.38

Introductory Text

Main body

1. Agreements for sharing church buildings.
2. Trusts of shared church buildings.
3. Financial and management provisions.
4. Sharing of church buildings for purposes of worship.
5. Consecrated churches and parish churches of Church of England.
6. Solemnization of marriages in shared or other inter-denominational buildings.

7. Sharing of residential buildings.
8. Application to shared buildings of certain provisions of Charities Act 1960.
9. Termination of sharing.
10. Cathedrals, peculiars, extra-diocesan and extra-parochial churches of the Church of England.
11. Churches to which this Act applies, and appropriate authorities thereof.
12. Interpretation.
13. Saving for temporary loans of church buildings.
14. Extent.
15. Short title.

SCHEDULE 1 Modifications of Provisions of the Marriage Act 1949 Relating to the Registration of Buildings, in their Application to Shared Church Buildings

SCHEDULE 2 Churches and their Appropriate Authorities

An Act to provide for the sharing and using of church buildings by different Churches and for matters connected therewith. [25th July 1969]

Agreements for sharing church buildings

1.— (1) It shall be lawful, notwithstanding any statutory or other legal provision, for any two or more Churches to which this Act applies to make agreements, through the parties mentioned in this section and in accordance with the provisions thereof, for the sharing by them of church buildings, and to carry such agreements into effect, and such agreements are in this Act referred to as «sharing agreements».

(2) A sharing agreement may be made in respect of a single church building or two or more church buildings in the same locality, and in respect of any existing or proposed church building, and, subject to the following provisions of this Act relating to consecrated churches of the Church of England and the sharing of residential buildings, may provide for the shared building or any of the shared buildings to be owned or continue to be owned by one only of the sharing Churches or to be jointly owned by all or some of the sharing Churches.

(3) The parties to a sharing agreement shall—

(a) as respects the Church of England, be the Diocesan Board of Finance of the diocese and the incumbent and parochial church council of the parish in which the building or buildings is or are or will be situated and, where a team ministry is established for the benefice comprising that parish,—

(i) any vicar in the team ministry to whom a special cure of souls in respect of the parish has been assigned by a scheme under the Pastoral Measure 1983 or by his licence from the bishop; or

(ii) any member of the team to whom a special responsibility for pastoral care in respect of the parish has been assigned under section 20(8A) of that Measure, the parish not being one in respect of which a special cure of souls has been assigned as mentioned in paragraph (i) above

(b) as respects any other Church, be such persons as may be determined by the appropriate authority of that Church;

and shall also include, in the case of an existing building, the person (if not otherwise a party) in whom the building is vested and any managing trustees thereof, and may also include, in the case of a proposed building, any person in whom it is to be vested or who is to be a managing trustee thereof.

(4) A sharing agreement shall not be made on behalf of the Church of England without the consent of the bishop and the

Pastoral Committee of the diocese concerned, and the appropriate authority of any other Church to which this Act applies may require the consent of any body or person specified by the authority to be given to sharing agreements made on behalf of that Church.

(5) Where a church building is held on trust for educational purposes which include instruction in religious knowledge according to the faith and practice of the Church of England, the consent of the Diocesan Education Committee of the diocese concerned to a sharing agreement in respect of that building shall be required in lieu of the consent of the Pastoral Committee thereof, and the agreement shall be subject to the approval of the Secretary of State.

(6) Where a benefice is vacant and a suspension period is current under section 67 of the M1 Pastoral Measure 1968, subsection (3) (a) of this section shall have effect with the substitution for the reference to the incumbent of a reference to the minister in charge of the parish, but otherwise a sharing agreement shall not be made on behalf of the Church of England during a vacancy in the benefice concerned.

(7) Where a see is vacant, or the bishop of the diocese is unable because of illness or absence to give his consent under subsection (4) of this section, the archbishop of the province may appoint by an instrument under his hand a suffragan or assistant bishop or an archdeacon of the diocese to act in place of the bishop under the said subsection for a period specified in the instrument; and in the event of a vacancy in the see of an archbishop or his illness or absence, an appointment under this subsection, either in respect of the see of the archbishop or another see in the province, may be made by the other archbishop.

(8) A sharing agreement shall be under seal and shall be registered, in the case of the Church of England, in the registries of the province and diocese, and, in the case of other Churches, in the registry or office of the appropriate authority, and the consents required as aforesaid shall be signified in writing by the secretary or clerk of the body concerned or by the person concerned and shall be registered with the deed.

(9) A sharing agreement shall be binding on the successors to the parties thereto, that is to say, on the persons who would at any subsequent time be required to be parties if the agreement were then being made, and any reference in this Act to the parties to a sharing agreement shall be construed, as respects anything done at a subsequent time, as referring to the said persons.

(10) A sharing agreement may be amended by agreement of the parties thereto and with the consents that would then be required to a new sharing agreement.

Trusts of shared church buildings

2.— (1) Where a sharing agreement is made with respect to an existing or proposed church building which is to be owned or continue to be owned by one only of the sharing Churches, the trusts or purposes on or for which the building is held or to be held shall include the purposes and provisions of the agreement, as for the time being in force, and any instrument declaring those trusts and purposes shall be deemed to have effect, or (in the case of a proposed building) shall provide, accordingly.

(2) Where a sharing agreement is made with respect to an existing or proposed church building which is to be owned jointly by all or some of the sharing Churches, that ownership shall be effected by vesting the building in trustees representing those Churches, or in a custodian trustee with managing trustees representing those Churches, to be held on trust to be used for the purposes of the sharing agreement and in accord-

ance with its terms and, subject thereto, for such other charitable purposes of the sharing Churches as may be appropriate, and the trust instrument relating to the building shall provide accordingly.

(3) The body or person in whom an existing church building is vested shall have power, notwithstanding any statutory or other legal provision, to convey the building to the managing trustees or custodian trustee aforesaid, for such consideration (if any) as may be provided in the sharing agreement or determined thereunder.

(4) The references in this section to a custodian trustee shall, subject to the making of such an order as is required by [F2 the Charities Act 1993] for the vesting of property in the official custodian for charities, include references to the said custodian.

(5) The purposes of a sharing agreement shall be limited to purposes which are exclusively charitable according to the law of England and Wales.

Financial and management provisions

3.— (1) A sharing agreement shall make provision with respect to the financial and other obligations of the parties thereto in respect of the provision, improvement and management of the church building or buildings shared or to be shared under the agreement, and the powers of any body or person under any statutory or other legal provision to apply money, whether by grant or loan, in respect of the provision, improvement or management of church buildings of a Church to which this Act applies shall be applicable in like manner in respect of any church building shared or to be shared by that Church under a sharing agreement.

(2) The powers of any body or person under any statutory or other legal provision—

(a) to acquire, hold, improve or manage church buildings of a Church to which this Act applies, or any property to be used for or in connection with the provision of such church buildings, or

(b) to grant property for or in connection with the provision of such church buildings, whether for a full consideration or for less than a full consideration,

shall be applicable in like manner in respect of any church building to which a sharing agreement relates and which, under the agreement, is or is to be owned by that Church or jointly owned by that Church and any other Church or Churches, and any such power to hold church buildings shall include a power to be a trustee (representing that Church) of such a jointly owned church building or, in the case of a corporation aggregate, to be the custodian trustee thereof.

(3) The powers of the Church Commissioners under the New Housing Areas (Church Buildings) Measure 1954, and the powers of the said Commissioners and certain other bodies and persons under sections 13 and 14 of the New Parishes Measure 1943 (which relate to the provision and improvement of church buildings), shall not be applicable for the purposes mentioned in the foregoing provisions of this section except as may be provided by a Measure of the General Synod] extending the said Measures.

(4) The responsibility for the management of a church building owned by one only of the sharing Churches under a sharing agreement and of its contents shall remain with the authorities of or trustees representing that Church, but that responsibility shall be discharged in accordance with the provisions of the agreement and any arrangements made thereunder, including provisions or arrangements for consultation with any other shar-

ing Church and for the payment of contributions by any other sharing Church towards the expenses of management.

(5) Where a sharing agreement provides for the joint ownership of the shared building by all or some of the sharing Churches, the responsibility of the trustees for the management of the building shall be in place of any responsibility of the authorities of the sharing Churches as respects that building, including responsibility under any statutory or other legal provision:

Provided that—

(a) the trustees shall discharge that responsibility in accordance with the provisions of the sharing agreement and any arrangements made thereunder, including provisions or arrangements for consultation with any sharing Church which is not a joint owner and for the payment of contributions by the sharing Churches towards the expenses of management;

(b) the agreement may provide that any moveables required for the worship of any sharing Church shall be the responsibility of the authorities of that Church.

(6) In this section «management», in relation to a church building, includes the repair and furnishing of the building.

Sharing of church buildings for purposes of worship

4.— (1) A sharing agreement shall make provision, in the case of a building used as a place of worship, for determining the extent to which it is to be available for worship in accordance with the forms of service and practice of the sharing Churches respectively, and may provide for the holding of such joint services on such occasions as may be approved by those Churches, and may dispense, to such extent as may be necessary, with the requirement to hold certain services of the Church of England on Sundays and other days.

(2) Notwithstanding any statutory or other legal provision, a minister, reader or lay preacher of one of the Churches sharing a church building under a sharing agreement may, by invitation of a minister, reader or lay preacher of another such Church, take part in conducting worship in that building in accordance with the forms of service and practice of that other Church; but the rights given by this subsection shall be exercised in accordance with any rules or directions given by either Church and to any limitation imposed by or under the sharing agreement.

(3) Subject to the foregoing provisions of this section, the participation of the communities of the sharing Churches in each other's worship shall be governed by the practices and disciplines of those Churches in like manner as if they worshipped in separate buildings.

Consecrated churches and parish churches of Church of England

5.— (1) A sharing agreement shall not be made with respect to an existing consecrated church of the Church of England unless—

(a) the church will under the agreement remain in the sole ownership of the Church of England; or

(b) authority to make the agreement on behalf of the Church of England is given by a pastoral scheme under the M4 Pastoral Measure 1968 as extended for the purpose by a subsequent Measure of the [F4 General Synod], and the church will under the agreement be in the joint ownership of the Church of England and another Church or Churches.

(2) Where a sharing agreement is made on behalf of the Church of England with respect to a church building used or to be used as a place of worship, but not an existing consecrated church, the building shall not be consecrated unless it will under the agreement be in the sole ownership of the Church of England.

(3) Where a sharing agreement relates to a consecrated church, the faculty jurisdiction shall not apply in respect of moveables required for the worship of any sharing Church other than the Church of England.

(4) Where a church building being a place of worship is shared by the Church of England under a sharing agreement:—

(a) if the agreement provides for the sole ownership of the building by the Church of England, but not otherwise, the building may become or remain a parish church;

(b) in any case the agreement shall not prevent or affect the designation of the building as a parish centre of worship under section 29 of the Pastoral Measure 1968.

Solemnization of marriages in shared or other inter-denominational buildings

6.— (1) A church building to which a sharing agreement relates (including a building in the sole ownership of the Church of England) may be certified under the Places of Worship Registration Act 1855 as a place of religious worship of any Church sharing the building other than the Church of England, and the provisions of the Marriage Act 1949 relating to the registration of buildings shall apply for and in relation to the registration of any such church building certified as aforesaid, subject to the modifications specified in Schedule 1 to this Act.

(2) The provisions of the Marriage Act 1949 relating to the publication of banns and the solemnization of marriages according to the rites of the Church of England shall apply to a church building shared by the Church of England under a sharing agreement, and shall so apply notwithstanding that the building is registered under Part III of the Act, and accordingly—

(a) if the building is a parish church or parish centre of worship, the said provisions shall apply as they apply to other parish churches and parish centres of worship; and

(b) in any other case, section 20 of the said Act (which provides for the licensing of chapels for such publication and solemnization) shall apply.

(3) The proviso to section 26(2) of the said Act shall not apply to a church building to which a sharing agreement relates, except in respect of marriages to be solemnized according to the rites of the Church of England.

(4) Where a chapel of any university, college, school, hospital or other public or charitable institution, or a building held on trust for purposes of public worship but not a church building to which a sharing agreement relates, is used for the purposes of public worship in accordance with the forms of service and practice of two or more Churches to which this Act applies, the foregoing provisions of this section shall apply thereto in like manner as they apply to church buildings to which a sharing agreement relates, except that—

(a) the provisions of Schedule 1 shall not apply;

(b) in subsection (2) (b) of this section the reference to section 20 of the Marriage Act 1949 shall include a reference to section 21 of that Act.

(5) This section (except where it refers to parish centres of worship) shall apply to the Church in Wales in like manner as it applies to the Church of England.

Sharing of residential buildings

7.— (1) Where a sharing agreement is made with respect to a church building or buildings proposed to be used under the agreement as a residence or residences for ministers or lay workers, the purpose of the agreement shall be to provide residential accommodation, whether in the form of separate residences or otherwise, available for occupation by the ministers or lay workers of the sharing Churches in accordance with arrangements made under the agreement.

(2) Where under any such agreement a separate residence is let to an incumbent of the Church of England in his corporate capacity, it shall be the residence house of the benefice during the term of the lease.

(3) A sharing agreement shall not be made with respect to an existing residence house of a benefice of the Church of England, unless authority to make the agreement on behalf of that Church is given by a pastoral scheme under the Pastoral Measure 1968 as extended for the purpose by a subsequent Measure of the General Synod.

(4) No right of pre-emption, or provision for the property to revert to previous ownership, shall be exercisable or operate on the conveyance, vesting or disposal of such an existing residence house under section 2 or section 9 of this Act (except section 9(4)).

Application to shared buildings of certain provisions of Charities Act 1960

8.— (1) A sharing agreement with respect to any church building shall not affect any exception or exemption for the building from any provisions of the Charities Act 1993.

(2) A sharing agreement with respect to any church building which under the agreement is owned by the Church of England shall not affect the application to the building of [F8 section 96(2) of the Charities Act 1993] (which excludes from the definition of «charity» certain corporations of the Church of England in respect of their corporate property and certain trusts of consecrated property).

(3) [Section 36 of the Charities Act 1993] (restrictions on dispositions of charity land) shall not apply to the conveyance, vesting or disposal of church buildings under section 2 or section 9 of this Act.

Termination of sharing

9.— (1) A sharing agreement shall contain provisions for terminating the sharing of the church building or buildings, and such provisions may—

(a) if the agreement relates to two or more buildings, provide for terminating the sharing of any building before the others; and

(b) if there are two or more sharing Churches, provide for the withdrawal of any Church from the sharing of any church building, not being a Church which is the sole owner or previous owner of the building;

and the sharing agreement may make provision for financial adjustments as between the Churches, on such termination or withdrawal, by payments out of moneys held for the purposes of the sharing agreement or of any shared building or by other payments by one Church to another.

(2) On the termination of the sharing of a church building owned by one only of the sharing Churches, the building shall be held on the trusts or for the purposes on or for which it was

held before the sharing agreement or would be held but for the sharing agreement.

(3) On the termination of the sharing of a church building jointly owned by all or some of the sharing Churches, being a building which before the sharing agreement was owned by one only of those Churches, the building shall, without any conveyance or other assurance, vest as follows:—

(a) if the building was previously a consecrated church of the Church of England or a building (other than a consecrated church) vested in the incumbent of a Church of England parish, it shall vest in the incumbent of the parish in which the building is then situated, for the same purposes as before, as nearly as may be;

(b) in any other case, it shall vest in such of the trustees in whom the building is vested as represent the Church who previously owned the building or, if the building is vested in a custodian trustee, it shall remain so vested but be managed by such of the managing trustees as represent that Church, and it shall be held and managed on the trusts or for the same purposes as before, as nearly as may be.

(4) Where the sharing of a church building jointly owned as aforesaid but not previously owned by one only of the sharing Churches is terminated, the sharing agreement and the trust instrument may provide for the disposal of the building (including disposal to one of the sharing Churches) and for the application of the proceeds to charitable purposes of the sharing Churches.

Cathedrals, peculiars, extra-diocesan and extra-parochial churches of the Church of England

10.— (1) No sharing agreement shall be made with respect to a cathedral church or peculiar of the Church of England or any church building of that Church situated in an extra-diocesan or extra-parochial place.

(2) The dean or provost and chapter of such a cathedral church may, notwithstanding any statutory or other legal provision, authorise a chapel or other part of the cathedral church to be used for the purposes of public worship in accordance with the forms of service and practice of two or more Churches to which this Act applies, and section 6 of this Act shall apply to any such chapel or part of a cathedral church in like manner as it applies to a chapel of any such institution as is mentioned in subsection (4) of that section.

(3) Nothing in this section shall be taken as preventing a church building in an extra-diocesan or extra-parochial place being used, otherwise than in pursuance of a sharing agreement, by two or more Churches to which this Act applies, or as preventing the application of section 6(4) of this Act to such a church building.

Churches to which this Act applies, and appropriate authorities thereof

11.— (1) The Churches to which this Act applies are the Churches specified in the first column of Schedule 2 to this Act, the Church of England and all other Churches who give notice under subsection (3) of this section.

(2) The expression «appropriate authority», in relation to each of the Churches specified in the first column of Schedule 2 to this Act, means the authority specified in the second column of the Schedule in respect of that Church, and if different authorities are specified in relation to different provisions of this Act, means in each provision the authority specified in relation thereto.

(3) Any Church for the time being represented on the General Council of the British Council of Churches or on the governing body of the Evangelical Alliance or the British Evangelical Council may give notice in writing to the General Secretary of the British Council of Churches or as the case may be of the governing body concerned, that it desires that this Act should apply to that Church, and the notice shall specify the appropriate authority or authorities of that Church for the purposes of this Act, and the General Secretary concerned shall publish in the London Gazette a notice signed by him—

(a) stating that the Church concerned is represented on the said General Council or governing body and has expressed its desire that this Act should apply to that Church;

(b) stating that this Act will apply to that Church as from the date of publication of the notice; and

(c) specifying the appropriate authority or authorities of that Church for the purposes of this Act;

and thereupon this Act shall apply to that Church as from that date and shall have effect as if an entry in respect of that Church and the appropriate authority or authorities so specified were made in Schedule 2 thereto.

Interpretation.—

12. (1) In this Act, unless the context otherwise requires,—
«building» includes a part of a building;
«church building» means a building used or proposed to be used by a Church or Churches to which this Act applies—

(a) as a place of worship;

(b) as a church hall or centre available wholly or mainly for activities other than worship;

(c) as a youth club or centre or youth hostel;

(d) as a residence or residences for ministers or lay workers:

Provided that—

(i) a sharing agreement may provide for including any land (other than land used or appropriated for use for burials) or outbuildings held or to be held with a church building, and any easements or rights enjoyed or to be enjoyed with a church building, and references to a church building shall in relation to that agreement, be construed accordingly;

(ii) the said expression shall not include any school;

«consecrated» means consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England;

«Diocesan Board of Finance» means the Board of that name constituted under the Diocesan Board of Finance Measure 1925 for that diocese;

Provided that, if the bishop certifies that a board of finance not so constituted or a body constituted for the holding on trust of diocesan property is to be treated for the purposes of this Measure as the Diocesan Board of Finance for that diocese, the board or body so certified shall be so treated;

«Diocesan Education Committee» means a committee constituted in accordance with the Schedule to the Diocesan Education Committees Measure 1955 or in accordance with an order made by the Secretary of State under that Measure;

«statutory or other legal provision» means any Act or Measure, any instrument or document made or having effect under or by virtue of any Act or Measure, any other instrument or document affecting legal rights or obligations, any trust (whether arising under a trust in-

strument or otherwise), and any rule of law, being an Act, Measure, instrument, document, trust, or rule in force at the passing of this Act:

Provided that the said expression shall not include a lease or tenancy of a church building or any mortgage, charge, covenant or rights affecting a church building and operating for the benefit of persons other than a Church to which this Act applies, or any general Act of Parliament regulating or affecting the use of land.

(2) For the purposes of this Act, a church building shall be deemed to be owned by a Church if the building is held by any body or person, whether for a freehold or leasehold estate, for purposes of that Church or on behalf of that Church, and, in the case of a leasehold building, any reference to the conveyance or vesting of the building shall be construed as a reference to the conveyance or vesting of the leasehold estate.

(3) If it is certified by the Church Commissioners that the ownership of a consecrated church of the Church of England cannot be ascertained with certainty, and that the church ought to be treated as vested in the incumbent of the parish in which it is situated, the church shall be deemed for the purposes of this Act to be so vested.

(4) Any reference in this Act to any Act or Measure shall be construed as a reference to that Act or Measure as amended by any subsequent Act or Measure.

Saving for temporary loans of church buildings

13. Nothing in this Act shall be taken as affecting any practice of a Church to which this Act applies of lending church buildings temporarily for particular occasions to other religious bodies.

Extent

14.— (1) This Act shall extend to church buildings in England and Wales.

(2) This Act may be extended to church buildings in the Isle of Man by an Act of Tynwald, and shall then have effect, in relation to such buildings, subject to such exemptions, adaptations or modifications as may be specified in that or a subsequent Act of Tynwald.

Short title

15. This Act may be cited as the Sharing of Church Buildings Act 1969.

SCHEDULES

SCHEDULE 1

Section 6. *Modifications of Provisions of the Marriage Act 1949 Relating to the Registration of Buildings, in their Application to Shared Church Buildings*

1

Amendments (Textual)

Sch. 1 para. 1 repealed by Marriage (Registration of Buildings) Act 1990 (c. 33, SIF 49:1), s. 1(2) (a)

2. An application under section 41 of the Marriage Act

1949 (hereinafter referred to as «the Act») shall be made by a representative (as hereinafter defined) of a sharing Church other than the Church of England, and, if there are two or more such Churches, the registration shall be deemed to have been made on behalf of the congregations of all those Churches, whether or not their representatives joined in the application.

3. Where a sharing Church other than the Church of England withdraws from the sharing of a registered church building, which continues to be used by another such Church, the registration shall not be cancelled.

4. An authorisation and certification of a person under section 43(1) of the Act to be present at the solemnization of marriages in a church building to which a sharing agreement relates shall be effected by a representative of a sharing Church other than the Church of England, and, if there are two or more such sharing Churches, different persons may be so authorised and certified on behalf of those Churches, but each such person shall be an authorised person for the purposes of the Act in respect of the solemnization of any marriage in that building; and references in the Act to authorised persons and their certification shall be construed accordingly.

5. The proviso added to the said section 43(1) by the Marriage Acts Amendment Act 1958, which prescribes a period of twelve months before a person may be authorised as aforesaid, shall not apply to any authorisation under this Schedule, and, if a sharing Church withdraws, in the circumstances mentioned in paragraph 3 above, from the sharing of a registered church building, the registration shall, for the purpose of the application of the said proviso to another building registered on behalf of the congregation of the withdrawing Church, be deemed to have been cancelled at the time of the withdrawal.

6. The consent required under the proviso to section 44(1) of the Act shall, if the marriage is to be solemnized according to the rites of a sharing Church, be given by the minister ordinarily responsible for the conduct of worship by the congregation of that Church or, if the sharing Church is not the Roman Catholic Church, by a representative of that sharing Church, and in the case of other marriages shall be given by one of the trustees, owners or managers of the building.

7. The appointment of two or more authorised persons in respect of the same building shall not require any additional set or sets of duplicate marriage register books to be supplied for that building, and regulations made under section 74 of the Act may make provision with respect to the custody and use of the register books and the returns to be made by the authorised persons of the entries therein, and may make any necessary modifications of the provisions of the Act relating to those matters.

8. Nothing in this Schedule shall affect any registration or authorisation which is in force when a sharing agreement takes effect in respect of the building concerned, and any such registration or authorisation shall continue in force and have effect as if it had been made under this Schedule.

9. In this Schedule «representative», in relation to a Church sharing a church building, means—

(a) if the building is jointly owned, a trustee representing that Church;

(b) in any other case, a party to the agreement on behalf of that Church.

SCHEDULE 2

Section 11. *Churches and their Appropriate Authorities*

<i>Name of Church</i>	<i>Appropriate Authority or Authorities</i>
Any Church of the Baptist Denomination.	As respects section 1(3) and (4) , the Baptist Trust Corporation as hereinafter defined, acting with the concurrence of the Church meeting. As respects section 1(8) , the Baptist Trust Corporation.
Any Church of the congregational Denomination	As respects section 1(3) and (4) , the Baptist Trust Corporation as hereinafter defined, acting with the concurrence of the Church meeting. As respects section 1(8) , the Baptist Trust Corporation
Any Congregation of the Association of Churches of Christ in Great Britain and Ireland	As respects section 1(3) and (4) , the Annual Conference of the Association of Churches of Christ acting with the concurrence of the duly constituted Church meeting. As respects section 1(8) , the Annual Conference of the Association of Churches of Christ.
The Methodist Church	The Annual Conference of the Methodist Church.
The United Reformed Church]	The Synod of the province of the United Reformed Church in which the church building or buildings is or are or will be situated.
The Roman Catholic Church	The Bishop of the diocese in which the church building or buildings is or are or will be situated.
The Church in Wales	The Governing Body of the Church in Wales

For the purposes of this Schedule, «the Baptist Trust Corporation» and «the Congregational Trust Corporation» have the following meanings:—

- (a) if the church building or buildings to which the sharing agreement concerned relates is or are or will be vested in a Baptist or Congregational Trust Corporation within the meaning of the M12 Baptist and Congregational Trusts Act 1951, it means that Corporation;
- (b) otherwise it means the Baptist or Congregational Trust Corporation (within the meaning of the said Act) in whose area of operations the church building or buildings is or are or will be situated, or if there is more than one such Corporation, the one determined by the Church meeting.

- 10. Interpretation.
- 11. Amendment and repeal.
- 12. Transitional provisions.
- 13. Short title, extent and commencement.
- Schedule. Diocesan Board of Education.
- Part I Membership.
- Part II Proceedings.

A Measure passed by the General Synod of the Church of England to make provision as to Diocesan Boards of Education. [12th July 1991]

Diocesan Boards of Education

Diocesan Boards of Education Measure 1991 (No. 2)

ARRANGEMENT OF SECTIONS

- 1. Diocesan Boards of Education.
- 2. Functions of Board.
- 3. Transactions for which advice or consent of Board is required.
- 4. Advice of Board required for alteration of purposes of church educational endowments.
- 5. Proposals for acquisition of grant-maintained status.
- 6. Board to be consulted in certain cases.
- 7. Powers of Board to give directions to governing bodies of aided church schools.
- 8. Powers of Board to give directions to trustees of church educational endowments.
- 9. Attendance of diocesan director of education at aided school governing bodies' proceedings.

1.—(1) For every diocese there shall be a Diocesan Board of Education which shall have the functions assigned to it by this Measure and shall be responsible to the diocesan synod; and references in this Measure to «the Board» shall be construed as referring to the Diocesan Board of Education for the diocese concerned.

(2) The Board shall be constituted in accordance with the provisions of Part I of the Schedule to this Measure, except that if the diocesan synod resolve that instead of being so constituted the Board shall be constituted in accordance with provisions agreed by that synod, the diocesan synod may with the consent of the bishop request the Secretary of State to make an order for the Board to be constituted in accordance with that resolution, and the Secretary of State upon receiving such a request may if he thinks fit make an order accordingly.

(3) The Secretary of State may amend or revoke an order made under subsection (2) above only upon a request made by the diocesan synod with the consent of the bishop of the diocese, and the amendment or revocation shall be in accordance with the resolution of that synod.

(4) The bishop, after consultation with the Board, shall appoint a director of education for the diocese who shall act as secretary of the Board.

(5) The Board may be a body corporate or unincorporate.

(6) The provisions of Part II of the Schedule to this Measure shall have effect with respect to the proceedings of the Board, whether the Board is constituted in accordance with the provisions of Part I of that Schedule or an order made by the Secretary of State.

Functions of Board

2.—(1) The functions of the Board shall be—

(a) to promote or assist in the promotion of education in the diocese, being education which is consistent with the faith and practice of the Church of England;

(b) to promote or assist in the promotion of religious education and religious worship in schools in the diocese;

(c) to promote or assist in the promotion of church schools in the diocese and to advise the governors of such schools and trustees of church educational endowments and any other body or person concerned on any matter affecting church schools in the diocese;

(d) to promote cooperation between the Board and bodies or persons concerned in any respect with education in the diocese;

(e) the functions assigned to the Board by this Measure; and
(f) such other functions not contrary to this Measure as are assigned to the Board by the diocesan synod, other than functions relating to church schools or church educational endowments.

(2) The Board shall have power to do all such things as are incidental or conducive to the discharge of its functions.

(3) The Board shall make to the diocesan synod, as soon as may be after the end of each year, a report on the exercise of its functions since the last report or (in the case of the first) since the Board's establishment.

Transactions for which advice or consent of Board is required.

3.—(1) The governing body of any church school, and the trustees of any church educational endowment held wholly or partly for or in connection with any church school, shall obtain the advice of the Board for the diocese in which the school is situated and shall have regard to that advice before making any application to or entering into any agreement or arrangement with any body or person for or in connection with the discontinuance of the school, any change in the status, size or character of the school, significant enlargement of its premises, any disposal (whether by sale or otherwise) of the premises of the school or any part thereof, or any amalgamation of that school with any other school.

(2) Subject to subsection (3) below, the governing body of any church school which is an aided or special agreement school shall not, unless it has obtained the consent in writing of the Board for the diocese in which the school is situated, enter into any agreement or arrangement with any body or person for or in connection with any alteration or repair of the premises of the school, being an alteration or repair in respect of which grant may be paid by the Secretary of State or of which the approval of the Secretary of State is required before it is carried out.

(3) Subsection (2) above shall not apply in relation to any alteration or repair of premises of which the estimated cost is less than such amount as may from time to time be determined by the Board for the diocese in which the school is situated.

(4) In the case of any Church of England voluntary school which is eligible for grant-maintained status, if the governing body decides by a resolution passed under paragraph (a) of section 60(1) of the 1988 Act to hold a ballot of parents on the question of whether grant-maintained status should be sought for the school it shall, not later than twenty-one days after the passing of the resolution, obtain the advice of the Board for the diocese in which the school is situated and have regard to that advice before confirming that decision by a further resolution under that paragraph.

(5) Without prejudice to subsection (2) of section 89 of the 1988 Act, no proposals shall be published under that section for the purpose of making a significant change in the religious character of a church school unless the Board for the diocese in which the school is situated has given its consent in writing to the change in question.

(6) Where the giving of advice under subsection (1) or (4) or consent under subsection (2) or (5) above is to be considered at any meeting of the Board, at least fourteen days' notice of the time and place at which the meeting is to be held shall be given by the secretary of the Board to the secretary of the governing body of the school concerned, and the governors of that school shall be entitled to attend that meeting.

Advice of Board required for alteration of purposes of church educational endowments

4.—The trustees of any church educational endowment held wholly or partly for or in connection with a church school shall obtain the advice of the Board for the diocese in which the school is situated and shall have regard to that advice before making or agreeing to the making of any alteration in the purposes for which the endowment may be applied.

Proposals for acquisition of grant-maintained status

5.—The statement annexed under subsection (5) of section 62 of the 1988 Act to proposals for acquisition of grant-maintained status for a Church of England voluntary school shall include an account of the advice given by the Board under section 3(4) above and provide confirmation that the governing body of the school has had regard to that advice and, if it has departed from it, its reasons for so doing.

Board to be consulted in certain cases

6.—(1) Without prejudice to section 13(1) of the 1988 Act, a local education authority shall consult the Board for any diocese in which the authority exercises its functions before appointing a person to represent the Church of England as a member of a standing advisory council on religious education under section 11 of that Act.

(2) Before making any modifications of a trust deed or other instrument relating to a church school by order under section 102 of the 1988 Act the Secretary of State shall consult the Board for the diocese in which the school is situated, as well as the persons with whom consultation is required by subsection (1) of that section.

Powers of Board to give directions to governing bodies of aided church schools

7.—(1) Where the Board is satisfied that the governing body of any aided church school in the diocese is discharging its

functions in relation to any matter affecting the status, continuance, size or character of the school or any significant enlargement of its premises in a manner which is not in the best interests of that school or of church schools generally or that the governing body of any such school has failed to discharge its functions in relation to any such matter, the Board shall have power to give directions to that governing body as to the exercise of those functions.

(2) Where the giving of directions under subsection (1) above is to be considered at any meeting of the Board, at least fourteen days' notice of the time and place at which the meeting is to be held shall be given by the secretary of the Board to the secretary of the governing body of the school concerned, and the governors of that school shall be entitled to attend that meeting; and no directions shall be given unless they have been approved by a two-thirds majority of the members of the Board present and voting at the meeting.

(3) It shall be the duty of a governing body to comply with any lawful directions given to it under subsection (1) above and if, before the expiration of the period of six months beginning on the date on which the directions are given, the governing body fails to comply with directions with respect to any of the following matters, that is to say—

- (a) an application under section 15(4) of the [1944 c. 31.] Education Act 1944 (revocation of order whereby school is an aided school) ; or
- (b) the submission to the Secretary of State of proposals under section 13(1) (b) of the [1980 c. 20.] Education Act 1980 (change in character of school) ,

the Board may itself make that application or submit those proposals and the provisions of the Education Acts 1944 to 1988 shall apply in relation to anything done by the Board by virtue of this subsection as if it had been done by the governing body of the school.

(4) Where the Board gives any directions under subsection (1) above it shall cause a report thereon to be laid before the next meeting of the diocesan synod.

(5) In this section any reference to the functions of a governing body shall be construed as excluding functions in relation to the acquisition of grant-maintained status.

Powers of Board to give directions to trustees of church educational endowments

8.—(1) Where the Board is satisfied that the trustees of any church educational endowment held wholly for a church school in the diocese are discharging their functions in relation to the endowment in such a manner that the endowment is not being applied in the best interests of the school or that the trustees of any such endowment have failed to discharge their functions in relation to that endowment, the Board shall have power to give directions to those trustees as to the exercise of those functions; and it shall be the duty of the trustees to comply with those directions before the expiration of the period of six months beginning with the date on which the directions are given.

(2) Where the Board gives any directions under subsection (1) above it shall as soon as practicable cause a report thereon to be laid before the diocesan synod.

Attendance of diocesan director of education at aided school governing bodies' proceedings

9.—Where, in the case of an aided church school, the chief education officer of the local education authority concerned or

officer of the authority nominated by him is entitled, by virtue of section 45(6) of the 1988 Act, to attend any proceedings of the governing body of the school for the purpose of giving advice to the governing body the diocesan director of education concerned shall also be entitled to attend the proceedings for that purpose.

Interpretation

10.—(1) In this Measure—
«the 1988 Act» means the [1988 c. 40.] Education Reform Act 1988;

«church educational endowment» means an educational endowment which includes among the purposes for which it may be applied religious education according to the faith and practice of the Church of England;

«Church of England voluntary school» means a voluntary school in respect of which any trust deed or other instrument requires provision to be made at the school for religious education according to the faith and practice of the Church of England or in which, in the absence of any such instrument, such provision has been made by custom and practice;

«church school» means a Church of England voluntary school or a grant-maintained school which was such a voluntary school immediately before it became a grant-maintained school;

«educational endowment» means an endowment which, or the income of which, may be applied for the purposes of education;

«endowment» includes property not subject to any restriction on the expenditure of capital.

(2) Any reference in this Measure to a change in the character of a school means a change in the religious character of the school or a change in character resulting from education beginning or ceasing to be provided for pupils above or below a particular age, for boys as well as for girls, or for girls as well as for boys, or from the making or alteration of arrangements for the admission of pupils by reference to ability or aptitude; and any reference to a matter affecting the character of a school shall be construed accordingly.

(3) Expressions used in this Measure which are also used in the 1988 Act shall, unless the context otherwise requires, have the same meanings as in that Act.

Amendment and repeal

11.—(1) In section 5(5) of the [1956 No. 3.] Parochial Church Councils (Powers) Measure 1956—

- (a) for the words «diocesan education committee of the diocese» there shall be substituted the words «diocesan board of education for the diocese» and
- (b) the words from «In this subsection» to the end of the section shall be omitted.

(2) The [1955 No. 1.] Diocesan Education Committees Measure 1955 is hereby repealed.

Transitional provisions

12.—(1) Any diocesan education committee constituted, or deemed to be constituted, in accordance with the Schedule to the Diocesan Education Committees Measure 1955 shall, if in existence on the date on which this Measure comes into force, be deemed to be a Diocesan Board of Education constituted

in accordance with Part I of the Schedule to this Measure and shall continue in existence until the 1st January next after the first elections of elected members of the Board held under Part I of the Schedule to this Measure.

(2) Any diocesan education committee constituted in accordance with an order made by the Minister of Education or the Secretary of State under section 1 of the Diocesan Education Committees Measure 1955 shall, if that order is in force on the date on which this Measure comes into force, be deemed to be a Diocesan Board of Education constituted in accordance with an order made by the Secretary of State under section 1(2) of this Measure, and the order made under the said Measure of 1955 shall continue in force until—

- (a) such time as a new Diocesan Board of Education is constituted in accordance with Part I of the Schedule to this Measure or with an order so made; or
- (b) on the expiry of the period of three years following the coming into force of this Measure,

whichever first occurs.

(3) Any diocesan education committee which is deemed to be a Diocesan Board of Education by virtue of subsection (1) or (2) above shall not have power to give directions under section 7 or 8 of this Measure.

Short title, extent and commencement

13.—(1) This Measure may be cited as the Diocesan Boards of Education Measure 1991.

(2) This Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures, and may be extended to the Isle of Man by or under Act of Tynwald.

(3) This Measure shall come into force on such date as the Archbishops of Canterbury and York may jointly appoint.

SCHEDULES

Section 1

Diocesan Board of Education

Part I *Membership*

1.—The Board shall consist of—

- (a) the bishop;
- (b) two persons nominated by the bishop, each person so nominated being either a suffragan bishop or a full-time assistant bishop in the diocese or an archdeacon of an archdeaconry in the diocese;
- (c) not less than fourteen or more than eighteen members elected in accordance with the provisions of paragraph 2 below;
- (d) not less than four or more than eight members co-opted by the Board of whom—

- (i) four members shall be persons with experience of church schools in the diocese, and
- (ii) the other members (if any) shall be persons with experience of other areas of work with which the Board is concerned;

and the bishop may nominate two additional persons (whether in Holy Orders or not) to be members of the Board.

2.—Subject to paragraph 3 below, the diocesan synod shall by resolution determine whether sub-paragraph (a), (b) or (c) of this paragraph is to apply in relation to the elected members of the Board, that is to say—

(a) such number of members as the diocesan synod may determine, not being less than fourteen or more than eighteen, shall be elected by the diocesan synod, and of those members—

- (i) at least two shall be clerks in Holy Orders beneficed or licensed in the diocese, and
- (ii) at least six shall be lay persons, and
- (iii) at least six shall be members of the diocesan synod; or

(b) such number of members as the diocesan synod may determine, not being less than two, shall be elected by the diocesan synod in respect of each archdeaconry in the diocese, the number to be so elected being determined so as to ensure that the total number of elected members is not less than fourteen or more than eighteen, and of the members elected in respect of any archdeaconry—

- (i) at least one shall be a clerk in Holy Orders beneficed or licensed in the archdeaconry,
- (ii) at least one shall be a lay person, and
- (iii) at least one shall be a member of the diocesan synod; or

(c) the elected members shall consist of—

(i) two members elected by the diocesan synod from among its own members, and of those two members one shall be a clerk in Holy Orders beneficed or licensed in the diocese and the other shall be a lay person, and

(ii) one member, whether a clerk in Holy Orders or a lay person, elected by each deanery synod in the diocese from among its own members,

and upon such a resolution being carried, the number of elected members of the Board, the eligibility of candidates for election and the synod by which they are to be elected shall be determined accordingly.

3.—Where the number of deaneries in a diocese is less than twelve or more than sixteen, paragraph 2 above shall have effect as if sub-paragraph (c) were omitted therefrom.

4.—The bishop shall be chairman of the Board except that, if he does not desire to be chairman, the Board after consultation with the bishop, shall appoint some other person (whether or not a member of the Board) to be chairman, and the person so appointed shall be an ex officio member of the diocesan synod.

5.—The election of the elected members of the Board shall take place every three years in the same year as, but after, the election of members of the diocesan synod, except that where the diocesan synod determines that sub-paragraph (c) of paragraph 2 above is to apply to the Board the election of the elected members shall take place in the same year as, but after, the election of the deanery synods; and the elected members shall be elected in such manner as may be determined by the synod by which they are elected and shall begin to hold office on the 1st January next following their election.

6.—Where an elected member of the Board ceases to be a member of a diocesan or deanery synod then, notwithstanding that he was elected by reason of his membership of that synod, he shall continue, unless he resigns, to be a member of the

Board for the remainder of the period of office for which he was elected.

7.—Any casual vacancy among the elected members of the Board shall be filled in such manner as may be determined by the diocesan synod.

8.—All members of the Board other than the bishop of the diocese shall cease to hold office on the 1st January on which the newly elected members begin to hold office, except that a member of the Board shall be eligible for re-election or re-appointment on the termination of any period of office.

9.—A person who is in receipt of any remuneration as an officer or member of the staff of the Board shall not be eligible for membership of the Board.

Part II
Proceedings

10.—The quorum of the Board shall be eight of which four shall be elected members.

11.—The Board shall meet on at least three occasions during a year, and an additional meeting shall be held if at any time eight or more members of the Board make a request in writing to the chairman for the holding of such a meeting.

12.—The Board may establish committees to assist in the discharging of its functions, and the membership of any committee established under this paragraph may include persons who are not members of the Board.

13.—Subject to paragraph 10 above, the validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any member.

14.—Subject to the preceding provisions of this Schedule and to any directions as to procedure given by the diocesan synod, the Board shall have power to regulate its own procedure and the procedure and membership of its committees.

House of Lords Act 1999
Chapter 34

ARRANGEMENT OF SECTIONS

Section

1. Exclusion of hereditary peers.
2. Exception from section 1.
3. Removal of disqualifications in relation to the House of Commons.
4. Amendments and repeals.
5. Commencement and transitional provision.
6. Interpretation and short title.

Schedules:

- Schedule 1—Amendments.
Schedule 2—Repeals.

An Act to restrict membership of the House of Lords by virtue of a hereditary peerage; to make related provision about disqualifications for voting at elections to, and for membership of, the House of Commons; and for connected purposes [11th November 1999].

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

Exclusion of hereditary peers

1.—No-one shall be a member of the House of Lords by virtue of a hereditary peerage.

Exception from section 1

2.—(1) Section 1 shall not apply in relation to anyone excepted from it by or in accordance with Standing Orders of the House.

(2) At any one time 90 people shall be excepted from section 1; but anyone excepted as holder of the office of Earl Marshal, or as performing the office of Lord Great Chamberlain, shall not count towards that limit.

(3) Once excepted from section 1, a person shall continue to be so throughout his life (until an Act of Parliament provides to the contrary).

(4) Standing Orders shall make provision for filling vacancies among the people excepted from section 1; and in any case where—

- (a) the vacancy arises on a death occurring after the end of the first Session of the next Parliament after that in which this Act is passed, and
- (b) the deceased person was excepted in consequence of an election,

that provision shall require the holding of a by-election.

(5) A person may be excepted from section 1 by or in accordance with Standing Orders made in anticipation of the enactment or commencement of this section.

(6) Any question whether a person is excepted from section 1 shall be decided by the Clerk of the Parliaments, whose certificate shall be conclusive.

Removal of disqualifications in relation to the House of Commons

3.—(1) The holder of a hereditary peerage shall not be disqualified by virtue of that peerage for—

- (a) voting at elections to the House of Commons, or
- (b) being, or being elected as, a member of that House.

(2) Subsection (1) shall not apply in relation to anyone excepted from section 1 by virtue of section 2.

Amendments and repeals

4.—(1) The enactments mentioned in Schedule 1 are amended as specified there.

(2) The enactments mentioned in Schedule 2 are repealed to the extent specified there.

Commencement and transitional provision

5.—(1) Sections 1 to 4 (including Schedules 1 and 2) shall come into force at the end of the Session of Parliament in which this Act is passed.

(2) Accordingly, any writ of summons issued for the present Parliament in right of a hereditary peerage shall not have effect after that Session unless it has been issued to a person who, at the end of the Session, is excepted from section 1 by virtue of section 2.

(3) The Secretary of State may by order make such transitional provision about the entitlement of holders of hereditary peerages to vote at elections to the House of Commons or the European Parliament as he considers appropriate.

(4) An order under this section—

- (a) may modify the effect of any enactment or any provision made under an enactment, and

(b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation and short title

6.— (1) In this Act «hereditary peerage» includes the principality of Wales and the earldom of Chester.

(2) This Act may be cited as the House of Lords Act 1999.

SCHEDULES

SCHEDULE 1

Section 4(1) .
Amendments

Peerage Act 1963 (c.48)

1. In section 1(2) of the Peerage Act 1963 (disclaimer of certain hereditary peerages) for the words from «has» to the end there shall be substituted the words «is excepted from section 1 of the House of Lords Act 1999 by virtue of section 2 of that Act».

Recess Elections Act 1975 (c.66)

2. In section 1 of the Recess Elections Act 1975 (issue of warrants for making out writs to replace members of the House of Commons whose seats have become vacant) , in—

- (a) subsection (1) (a) , and
- (b) paragraph (a) of the definition of «certificate of vacancy» in subsection (2) ,

for the words «become a peer» there shall be substituted the words «become disqualified as a peer for membership of the House of Commons».

3. In Schedule 1 to that Act (certificate of vacancy) , for the words «has become a peer of Parliament» there shall be substituted the words «has become disqualified as a peer for membership of the House of Commons».

SCHEDULE 2

Section 4(2) .
Repeals

Chapter	Short title	Extent of repeal
1963 c. 48	The Peerage Act 1963	In section 1(3) , paragraph (b) and the word «and» immediately preceding it. Section 2. In section 3, in subsection (1) (b) , the words from «(including» to «that House) » and, in subsection (2) , the words from «and» to the end of the subsection. Section 5.

Divorce (Religious Marriages) Act 2002

2002 Chapter 27

Introductory Text]

Main body

Power to refuse decree absolute if steps not taken to dissolve religious marriage

2 Short title, commencement and extent

An Act to make provision enabling a court to require the dissolution of a religious marriage before granting a civil divorce. [24th July 2002]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Power to refuse decree absolute if steps not taken to dissolve religious marriage

(1) In the Matrimonial Causes Act 1973 (c. 18) , insert—

«10A Proceedings after decree nisi: religious marriage

(1) This section applies if a decree of divorce has been granted but not made absolute and the parties to the marriage concerned—

(a) were married in accordance with—

- (i) the usages of the Jews, or
- (ii) any other prescribed religious usages; and

(b) must co-operate if the marriage is to be dissolved in accordance with those usages.

(2) On the application of either party, the court may order that a decree of divorce is not to be made absolute until a declaration made by both parties that they have taken such steps as are required to dissolve the marriage in accordance with those usages is produced to the court.

(3) An order under subsection (2) —

- (a) may be made only if the court is satisfied that in all the circumstances of the case it is just and reasonable to do so; and
- (b) may be revoked at any time.

(4) A declaration of a kind mentioned in subsection (2) —

- (a) must be in a specified form;
- (b) must, in specified cases, be accompanied by such documents as may be specified; and
- (c) must, in specified cases, satisfy such other requirements as may be specified.

(5) The validity of a decree of divorce made by reference to such a declaration is not to be affected by any inaccuracy in that declaration.

(6) «Prescribed» means prescribed in an order made by the Lord Chancellor and such an order—

- (a) must be made by statutory instrument;
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) «Specified» means specified in rules of court.»

(2) Subsections (3) and (4) of section 9 of the Family Law

Act 1996 (c. 27) (arrangements on divorce: religious marriages) are repealed.

2 Short title, commencement and extent

(1) This Act may be cited as the Divorce (Religious Marriages) Act 2002.

(2) Section 1 comes into force on such day as the Lord Chancellor may appoint by order made by statutory instrument.

(3) This Act extends to England and Wales only.

The Employment Equality (Religion or Belief) Regulations 2003 (No. 1660)

Introductory Text

Main body

PART I, GENERAL

1. Citation, commencement and extent
2. Interpretation
3. Discrimination on grounds of religion or belief
4. Discrimination by way of victimisation
5. Harassment on grounds of religion or belief

PART II. DISCRIMINATION IN EMPLOYMENT AND

VOCATIONAL TRAINING

6. Applicants and employees
7. Exception for genuine occupational requirement
8. Contract workers
9. Meaning of employment and contract work at establishment in Great Britain
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- Part 1 Validity and revision of contracts
- Part 2 Collective agreements and rules of undertakings
- SCHEDULE 5 Amendments to legislation
- End Matter

Made 26th June 2003

Coming into force 2nd December 2003

Whereas a draft of these Regulations was laid before Parliament in accordance with paragraph 2 of Schedule 2 to the European Communities Act 1972, and was approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to discrimination, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

PART I

GENERAL

1. Citation, commencement and extent

(1) These Regulations may be cited as the Employment Equality (Religion or Belief) Regulations 2003, and shall come into force on 2nd December 2003.

(2) These Regulations do not extend to Northern Ireland.

2. Interpretation

(1) In these Regulations, «religion or belief» means any religion, religious belief, or similar philosophical belief.

(2) In these Regulations, references to discrimination are to any discrimination falling within regulation 3 (discrimination on grounds of religion or belief) or 4 (discrimination by way of victimisation) and related expressions shall be construed accordingly, and references to harassment shall be construed in accordance with regulation 5 (harassment on grounds of religion or belief).

(3) In these Regulations—

«act» includes a deliberate omission;

«benefits» includes facilities and services;

«detriment» does not include harassment within the meaning of regulation 5;

references to «employer», in their application to a person at any time seeking to employ another, include a person who has no employees at that time;

«employment» means employment under a contract of service or of apprenticeship or a contract personally to do any work, and related expressions shall be construed accordingly;

«Great Britain», except where the context otherwise requires in regulation 26 (protection of Sikhs from discrimination in connection with requirements as to wearing of safety helmets), includes such of the territorial waters of the United Kingdom as are adjacent to Great Britain;

«Minister of the Crown» includes the Treasury and the Defence Council; and

«school», in England and Wales, has the meaning given by section 4 of the Education Act 1996, and, in Scotland, has the meaning given by section 135(1) of the Education (Scotland) Act 1980, and references to a school are to an institution in so far as it is engaged in the provision of education under those sections.

3. Discrimination on grounds of religion or belief

(1) For the purposes of these Regulations, a person («A») discriminates against another person («B») if—

- (a) on grounds of religion or belief, A treats B less favourably than he treats or would treat other persons; or
- (b) A applies to B a provision, criterion or practice which he applies or would apply equally to persons not of the same religion or belief as B, but—

- (i) which puts or would put persons of the same religion or belief as B at a particular disadvantage when compared with other persons,
- (ii) which puts B at that disadvantage, and
- (iii) which A cannot show to be a proportionate means of achieving a legitimate aim.

(2) The reference in paragraph (1) (a) to religion or belief does not include A's religion or belief.

(3) A comparison of B's case with that of another person under paragraph (1) must be such that the relevant circumstances in the one case are the same, or not materially different, in the other.

4. Discrimination by way of victimisation

(1) For the purposes of these Regulations, a person («A») discriminates against another person («B») if he treats B less favourably than he treats or would treat other persons in the same circumstances, and does so by reason that B has—

- (a) brought proceedings against A or any other person under these Regulations;
- (b) given evidence or information in connection with proceedings brought by any person against A or any other person under these Regulations;
- (c) otherwise done anything under or by reference to these Regulations in relation to A or any other person; or
- (d) alleged that A or any other person has committed an act which (whether or not the allegation so states) would amount to a contravention of these Regulations,

or by reason that A knows that B intends to do any of those things, or suspects that B has done or intends to do any of them.

(2) Paragraph (1) does not apply to treatment of B by reason of any allegation made by him, or evidence or information given by him, if the allegation, evidence or information was false and not made (or, as the case may be, given) in good faith.

5. Harassment on grounds of religion or belief

(1) For the purposes of these Regulations, a person («A») subjects another person («B») to harassment where, on grounds of religion or belief, A engages in unwanted conduct which has the purpose or effect of—

- (a) violating B's dignity; or

(b) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

(2) Conduct shall be regarded as having the effect specified in paragraph (1) (a) or (b) only if, having regard to all the circumstances, including in particular the perception of B, it should reasonably be considered as having that effect.

PART II

DISCRIMINATION IN EMPLOYMENT AND VOCATIONAL TRAINING

6. Applicants and employees

(1) It is unlawful for an employer, in relation to employment by him at an establishment in Great Britain, to discriminate against a person—

- (a) in the arrangements he makes for the purpose of determining to whom he should offer employment;
- (b) in the terms on which he offers that person employment; or
- (c) by refusing to offer, or deliberately not offering, him employment.

(2) It is unlawful for an employer, in relation to a person whom he employs at an establishment in Great Britain, to discriminate against that person—

- (a) in the terms of employment which he affords him;
- (b) in the opportunities which he affords him for promotion, a transfer, training, or receiving any other benefit;
- (c) by refusing to afford him, or deliberately not affording him, any such opportunity; or
- (d) by dismissing him, or subjecting him to any other detriment.

(3) It is unlawful for an employer, in relation to employment by him at an establishment in Great Britain, to subject to harassment a person whom he employs or who has applied to him for employment.

(4) Paragraph (2) does not apply to benefits of any description if the employer is concerned with the provision (for payment or not) of benefits of that description to the public, or to a section of the public which includes the employee in question, unless—

- (a) that provision differs in a material respect from the provision of the benefits by the employer to his employees; or
- (b) the provision of the benefits to the employee in question is regulated by his contract of employment; or
- (c) the benefits relate to training.

(5) In paragraph (2) (d) reference to the dismissal of a person from employment includes reference—

- (a) to the termination of that person's employment by the expiration of any period (including a period expiring by reference to an event or circumstance), not being a termination immediately after which the employment is renewed on the same terms; and
- (b) to the termination of that person's employment by any act of his (including the giving of notice) in circumstances such that he is entitled to terminate it without notice by reason of the conduct of the employer.

7. Exception for genuine occupational requirement

(1) In relation to discrimination falling within regulation 3 (discrimination on grounds of religion or belief) —

- (a) regulation 6(1) (a) or (c) does not apply to any employment;
- (b) regulation 6(2) (b) or (c) does not apply to promotion or transfer to, or training for, any employment; and
- (c) regulation 6(2) (d) does not apply to dismissal from any employment,

where paragraph (2) or (3) applies.

(2) This paragraph applies where, having regard to the nature of the employment or the context in which it is carried out—

- (a) being of a particular religion or belief is a genuine and determining occupational requirement;
- (b) it is proportionate to apply that requirement in the particular case; and
- (c) either—

- (i) the person to whom that requirement is applied does not meet it, or
- (ii) the employer is not satisfied, and in all the circumstances it is reasonable for him not to be satisfied, that that person meets it,

and this paragraph applies whether or not the employer has an ethos based on religion or belief.

(3) This paragraph applies where an employer has an ethos based on religion or belief and, having regard to that ethos and to the nature of the employment or the context in which it is carried out—

- (a) being of a particular religion or belief is a genuine occupational requirement for the job;
- (b) it is proportionate to apply that requirement in the particular case; and
- (c) either—

- (i) the person to whom that requirement is applied does not meet it, or
- (ii) the employer is not satisfied, and in all the circumstances it is reasonable for him not to be satisfied, that that person meets it.

8. Contract workers

(1) It is unlawful for a principal, in relation to contract work at an establishment in Great Britain, to discriminate against a contract worker—

- (a) in the terms on which he allows him to do that work;
- (b) by not allowing him to do it or continue to do it;
- (c) in the way he affords him access to any benefits or by refusing or deliberately not affording him access to them; or
- (d) by subjecting him to any other detriment.

(2) It is unlawful for a principal, in relation to contract work at an establishment in Great Britain, to subject a contract worker to harassment.

(3) A principal does not contravene paragraph (1) (b) by doing any act in relation to a contract worker where, if the work were to be done by a person taken into the principal's employment, that act would be lawful by virtue of regulation 7 (exception for genuine occupational requirement) .

(4) Paragraph (1) does not apply to benefits of any description if the principal is concerned with the provision (for payment or not) of benefits of that description to the public, or to a section of the public to which the contract worker in question belongs, unless that provision differs in a material respect from the provision of the benefits by the principal to his contract workers.

(5) In this regulation—

«principal» means a person («A») who makes work available for doing by individuals who are employed by another person who supplies them under a contract made with A;

«contract work» means work so made available; and

«contract worker» means any individual who is supplied to the principal under such a contract.

9. Meaning of employment and contract work at establishment in Great Britain

(1) For the purposes of this Part («the relevant purposes») , employment is to be regarded as being at an establishment in Great Britain if the employee—

- (a) does his work wholly or partly in Great Britain; or
- (b) does his work wholly outside Great Britain and paragraph (2) applies.

(2) This paragraph applies if—

- (a) the employer has a place of business at an establishment in Great Britain;
- (b) the work is for the purposes of the business carried on at that establishment; and
- (c) the employee is ordinarily resident in Great Britain—

- (i) at the time when he applies for or is offered the employment, or
- (ii) at any time during the course of the employment.

(3) The reference to «employment» in paragraph (1) includes—

- (a) employment on board a ship only if the ship is registered at a port of registry in Great Britain, and
- (b) employment on an aircraft or hovercraft only if the aircraft or hovercraft is registered in the United Kingdom and operated by a person who has his principal place of business, or is ordinarily resident, in Great Britain.

(4) Subject to paragraph (5) , for the purposes of determining if employment concerned with the exploration of the sea bed or sub-soil or the exploitation of their natural resources is outside Great Britain, this regulation has effect as if references to Great Britain included—

- (a) any area designated under section 1(7) of the Continental Shelf Act 1964 except an area or part of an area in which the law of Northern Ireland applies; and
- (b) in relation to employment concerned with the exploration or exploitation of the Frigg Gas Field, the part of the Norwegian sector of the Continental Shelf described in Schedule 1.

(5) Paragraph (4) shall not apply to employment which is concerned with the exploration or exploitation of the Frigg Gas Field unless the employer is—

- (a) a company registered under the Companies Act 1985 ;
- (b) an overseas company which has established a place of business within Great Britain from which it directs the exploration or exploitation in question; or
- (c) any other person who has a place of business within Great Britain from which he directs the exploration or exploitation in question.

(6) In this regulation—

«the Frigg Gas Field» means the naturally occurring gas-bearing sand formations of the lower Eocene age located in the vicinity of the intersection of the line of latitude 59 degrees 53 minutes North and of the dividing line between the sectors of the Continental Shelf of the United Kingdom and the Kingdom of Norway and includes all other gas-bearing strata from which gas at the start of production is capable of flowing into the above-mentioned gas-bearing sand formations;

«overseas company» has the same meaning as in section 744 of the Companies Act 1985.

(7) This regulation applies in relation to contract work within the meaning of regulation 8 as it applies in relation to employment; and, in its application to contract work, references to «employee», «employer» and «employment» are references to (respectively) «contract worker», «principal» and «contract work» within the meaning of regulation 8.

10. Office-holders etc

(1) It is unlawful for a relevant person, in relation to an appointment to an office or post to which this regulation applies, to discriminate against a person—

- (a) in the arrangements which he makes for the purpose of determining to whom the appointment should be offered;
- (b) in the terms on which he offers him the appointment; or
- (c) by refusing to offer him the appointment.

(2) It is unlawful, in relation to an appointment to an office or post to which this regulation applies and which is an office or post referred to in paragraph (8) (b) , for a relevant person on whose recommendation (or subject to whose approval) appointments to the office or post are made, to discriminate against a person—

- (a) in the arrangements which he makes for the purpose of determining who should be recommended or approved in relation to the appointment; or
- (b) in making or refusing to make a recommendation, or giving or refusing to give an approval, in relation to the appointment.

(3) It is unlawful for a relevant person, in relation to a person who has been appointed to an office or post to which this regulation applies, to discriminate against him—

- (a) in the terms of the appointment;
- (b) in the opportunities which he affords him for promotion, a transfer, training or receiving any other benefit, or by refusing to afford him any such opportunity;
- (c) by terminating the appointment; or
- (d) by subjecting him to any other detriment in relation to the appointment.

(4) It is unlawful for a relevant person, in relation to an office or post to which this regulation applies, to subject to harassment a person—

- (a) who has been appointed to the office or post;
- (b) who is seeking or being considered for appointment to the office or post; or
- (c) who is seeking or being considered for a recommendation or approval in relation to an appointment to an office or post referred to in paragraph (8) (b) .

(5) Paragraphs (1) and (3) do not apply to any act in relation to an office or post where, if the office or post constituted employment, that act would be lawful by virtue of regulation 7 (exception for genuine occupational requirement) ; and paragraph (2) does not apply to any act in relation to an office or post where, if the office or post constituted employment, it would be lawful by virtue of regulation 7 to refuse to offer the person such employment.

(6) Paragraph (3) does not apply to benefits of any description if the relevant person is concerned with the provision (for payment or not) of benefits of that description to the public, or a section of the public to which the person appointed belongs, unless—

- (a) that provision differs in a material respect from the provision of the benefits by the relevant person to persons appointed to offices or posts which are the same as, or not materially different from, that which the person appointed holds; or
- (b) the provision of the benefits to the person appointed is regulated by the terms and conditions of his appointment; or
- (c) the benefits relate to training.

(7) In paragraph (3) (c) the reference to the termination of the appointment includes a reference—

- (a) to the termination of the appointment by the expiration of any period (including a period expiring by reference to an event or circumstance) , not being a termination immediately after which the appointment is renewed on the same terms and conditions; and
- (b) to the termination of the appointment by any act of the person appointed (including the giving of notice) in circumstances such that he is entitled to terminate the appointment without notice by reason of the conduct of the relevant person.

(8) This regulation applies to—

- (a) any office or post to which persons are appointed to discharge functions personally under the direction of another person, and in respect of which they are entitled to remuneration; and
- (b) any office or post to which appointments are made by (or on the recommendation of or subject to the approval of) a Minister of the Crown, a government department, the National Assembly for Wales or any part of the Scottish Administration,

but not to a political office or a case where regulation 6 (applicants and employees) , 8 (contract workers) , 12 (barristers) , 13 (advocates) or 14 (partnerships) applies, or would apply but for the operation of any other provision of these Regulations.

(9) For the purposes of paragraph (8) (a) the holder of an office or post—

(a) is to be regarded as discharging his functions under the direction of another person if that other person is entitled to direct him as to when and where he discharges those functions;

(b) is not to be regarded as entitled to remuneration merely because he is entitled to payments—

- (i) in respect of expenses incurred by him in carrying out the functions of the office or post, or
- (ii) by way of compensation for the loss of income or benefits he would or might have received from any person had he not been carrying out the functions of the office or post.

(10) In this regulation—

(a) appointment to an office or post does not include election to an office or post;

(b) »political office« means—

- (i) any office of the House of Commons held by a member of it,
- (ii) a life peerage within the meaning of the Life Peerages Act 1958 , or any office of the House of Lords held by a member of it,
- (iii) any office mentioned in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975 ,
- (iv) the offices of Leader of the Opposition, Chief Opposition Whip or Assistant Opposition Whip within the meaning of the Ministerial and other Salaries Act 1975 ,
- (v) any office of the Scottish Parliament held by a member of it,
- (vi) a member of the Scottish Executive within the meaning of section 44 of the Scotland Act 1998 , or a junior Scottish Minister within the meaning of section 49 of that Act,
- (vii) any office of the National Assembly for Wales held by a member of it,
- (viii) in England, any office of a county council, a London borough council, a district council, or a parish council held by a member of it,
- (ix) in Wales, any office of a county council, a county borough council, or a community council held by a member of it,
- (x) in relation to a council constituted under section 2 of the Local Government etc (Scotland) Act 1994 or a community council established under section 51 of the Local Government (Scotland) Act 1973 , any office of such a council held by a member of it,
- (xi) any office of the Greater London Authority held by a member of it,
- (xii) any office of the Common Council of the City of London held by a member of it,
- (xiii) any office of the Council of the Isles of Scilly held by a member of it,
- (xiv) any office of a political party;

(c) »relevant person«, in relation to an office or post, means—

- (i) any person with power to make or terminate appointments to the office or post, or to determine the terms of appointment,
- (ii) any person with power to determine the working conditions of a person appointed to the office or post in relation to opportunities for promotion, a transfer, training or for receiving any other benefit, and

(iii) any person or body referred to in paragraph (8) (b) on whose recommendation or subject to whose approval appointments are made to the office or post;

- (d) references to making a recommendation include references to making a negative recommendation; and
- (e) references to refusal include references to deliberate omission.

11. Police

(1) For the purposes of this Part, the holding of the office of constable shall be treated as employment—

- (a) by the chief officer of police as respects any act done by him in relation to a constable or that office;
- (b) by the police authority as respects any act done by it in relation to a constable or that office.

(2) For the purposes of regulation 22 (liability of employers and principals) —

- (a) the holding of the office of constable shall be treated as employment by the chief officer of police (and as not being employment by any other person) ; and
- (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) There shall be paid out of the police fund—

- (a) any compensation, costs or expenses awarded against a chief officer of police in any proceedings brought against him under these Regulations, and any costs or expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
- (b) any sum required by a chief officer of police for the settlement of any claim made against him under these Regulations if the settlement is approved by the police authority.

(4) Any proceedings under these Regulations which, by virtue of paragraph (1) , would lie against a chief officer of police shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of that office; and references in paragraph (3) to the chief officer of police shall be construed accordingly.

(5) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—

- (a) any compensation, costs or expenses awarded in proceedings under these Regulations against a person under the direction and control of the chief officer of police;
- (b) any costs or expenses incurred and not recovered by such a person in such proceedings; and
- (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

(6) Paragraphs (1) and (2) apply to a police cadet and appointment as a police cadet as they apply to a constable and the office of constable.

(7) Subject to paragraph (8) , in this regulation—

«chief officer of police»—

- (a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act 1996,
- (b) in relation to a person appointed, or an appointment falling to be made, under section 9(1) (b) or 55(1) (b) of the Police Act 1997 (police members of the National Criminal Intelligence Service and the National Crime Squad) means the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad,
- (c) in relation to a person appointed, or an appointment falling to be made, under the Police (Scotland) Act 1967, means the chief constable of the relevant police force,
- (d) in relation to any other person or appointment means the officer or other person who has the direction and control of the body of constables or cadets in question;

«police authority»—

- (a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act 1996,
- (b) in relation to a person appointed, or an appointment falling to be made, under section 9(1) (b) or 55(1) (b) of the Police Act 1997, means the Service Authority for the National Criminal Intelligence Service or, as the case may be, the Service Authority for the National Crime Squad,
- (c) in relation to a person appointed, or an appointment falling to be made, under the Police (Scotland) Act 1967, has the meaning given in that Act,
- (d) in relation to any other person or appointment, means the authority by whom the person in question is or on appointment would be paid;

«police cadet» means any person appointed to undergo training with a view to becoming a constable;

«police fund»—

- (a) in relation to a chief officer of police within sub-paragraph (a) of the above definition of that term, has the same meaning as in the Police Act 1996,
- (b) in relation to a chief officer of police within sub-paragraph (b) of that definition, means the service fund established under section 16 or (as the case may be) section 61 of the Police Act 1997,
- (c) in any other case means money provided by the police authority; and

«specified Act» means the Metropolitan Police Act 1829, the City of London Police Act 1839 or the Police Act 1996.

(8) In relation to a constable of a force who is not under the direction and control of the chief officer of police for that force, references in this regulation to the chief officer of police are references to the chief officer of the force under whose direction and control he is, and references in this regulation to the police authority are references to the relevant police authority for that force.

12. Barristers

(1) It is unlawful for a barrister or barrister's clerk, in relation to any offer of a pupillage or tenancy, to discriminate against a person—

- (a) in the arrangements which are made for the purpose of determining to whom the pupillage or tenancy should be offered;

- (b) in respect of any terms on which it is offered; or
- (c) by refusing, or deliberately not offering, it to him.

(2) It is unlawful for a barrister or barrister's clerk, in relation to a pupil or tenant in the set of chambers in question, to discriminate against him—

- (a) in respect of any terms applicable to him as a pupil or tenant;
- (b) in the opportunities for training, or gaining experience, which are afforded or denied to him;
- (c) in the benefits which are afforded or denied to him; or
- (d) by terminating his pupillage, or by subjecting him to any pressure to leave the chambers or other detriment.

(3) It is unlawful for a barrister or barrister's clerk, in relation to a pupillage or tenancy in the set of chambers in question, to subject to harassment a person who is, or has applied to be, a pupil or tenant.

(4) It is unlawful for any person, in relation to the giving, withholding or acceptance of instructions to a barrister, to discriminate against any person by subjecting him to a detriment, or to subject him to harassment.

(5) In this regulation—

«barrister's clerk» includes any person carrying out any of the functions of a barrister's clerk;
 «pupil», «pupillage» and «set of chambers» have the meanings commonly associated with their use in the context of barristers practising in independent practice; and
 «tenancy» and «tenant» have the meanings commonly associated with their use in the context of barristers practising in independent practice, but also include reference to any barrister permitted to work in a set of chambers who is not a tenant.

(6) This regulation extends to England and Wales only.

13. Advocates

(1) It is unlawful for an advocate, in relation to taking any person as his pupil, to discriminate against a person—

- (a) in the arrangements which he makes for the purpose of determining whom he will take as his pupil;
- (b) in respect of any terms on which he offers to take any person as his pupil; or
- (c) by refusing to take, or deliberately not taking, a person as his pupil.

(2) It is unlawful for an advocate, in relation to a person who is his pupil, to discriminate against him—

- (a) in respect of any terms applicable to him as a pupil;
- (b) in the opportunities for training, or gaining experience, which are afforded or denied to him;
- (c) in the benefits which are afforded or denied to him; or
- (d) by terminating the relationship, or by subjecting him to any pressure to terminate the relationship or other detriment.

(3) It is unlawful for an advocate, in relation to a person who is his pupil or taking any person as his pupil, to subject such a person to harassment.

(4) It is unlawful for any person, in relation to the giving, withholding or acceptance of instructions to an advocate, to discriminate against any person by subjecting him to a detriment, or to subject him to harassment.

(5) In this regulation—

«advocate» means a member of the Faculty of Advocates practising as such; and
 «pupil» has the meaning commonly associated with its use in the context of a person training to be an advocate.

(6) This regulation extends to Scotland only.

14. Partnerships

(1) It is unlawful for a firm, in relation to a position as partner in the firm, to discriminate against a person—

(a) in the arrangements they make for the purpose of determining to whom they should offer that position;
 (b) in the terms on which they offer him that position;
 (c) by refusing to offer, or deliberately not offering, him that position; or
 (d) in a case where the person already holds that position—

(i) in the way they afford him access to any benefits or by refusing to afford, or deliberately not affording, him access to them, or
 (ii) by expelling him from that position, or subjecting him to any other detriment.

(2) It is unlawful for a firm, in relation to a position as partner in the firm, to subject to harassment a person who holds or has applied for that position.

(3) Paragraphs (1) (a) to (c) and (2) apply in relation to persons proposing to form themselves into a partnership as they apply in relation to a firm.

(4) Paragraph (1) does not apply to any act in relation to a position as partner where, if the position were employment, that act would be lawful by virtue of regulation 7 (exception for genuine occupational requirement) .

(5) In the case of a limited partnership references in this regulation to a partner shall be construed as references to a general partner as defined in section 3 of the Limited Partnerships Act 1907 .

(6) This regulation applies to a limited liability partnership as it applies to a firm; and, in its application to a limited liability partnership, references to a partner in a firm are references to a member of the limited liability partnership.

(7) In this regulation, «firm» has the meaning given by section 4 of the Partnership Act 1890 .

(8) In paragraph (1) (d) reference to the expulsion of a person from a position as partner includes reference—

(a) to the termination of that person's partnership by the expiration of any period (including a period expiring by reference to an event or circumstance) , not being a termination immediately after which the partnership is renewed on the same terms; and
 (b) to the termination of that person's partnership by any act of his (including the giving of notice) in circumstances such that he is entitled to terminate it without notice by reason of the conduct of the other partners.

15. Trade organisations

(1) It is unlawful for a trade organisation to discriminate against a person—

(a) in the terms on which it is prepared to admit him to membership of the organisation; or

(b) by refusing to accept, or deliberately not accepting, his application for membership.

(2) It is unlawful for a trade organisation, in relation to a member of the organisation, to discriminate against him—

(a) in the way it affords him access to any benefits or by refusing or deliberately omitting to afford him access to them;
 (b) by depriving him of membership, or varying the terms on which he is a member; or
 (c) by subjecting him to any other detriment.

(3) It is unlawful for a trade organisation, in relation to a person's membership or application for membership of that organisation, to subject that person to harassment.

(4) In this regulation—

«trade organisation» means an organisation of workers, an organisation of employers, or any other organisation whose members carry on a particular profession or trade for the purposes of which the organisation exists;
 «profession» includes any vocation or occupation; and
 «trade» includes any business.

16. Qualifications bodies

(1) It is unlawful for a qualifications body to discriminate against a person—

(a) in the terms on which it is prepared to confer a professional or trade qualification on him;
 (b) by refusing or deliberately not granting any application by him for such a qualification; or
 (c) by withdrawing such a qualification from him or varying the terms on which he holds it.

(2) It is unlawful for a qualifications body, in relation to a professional or trade qualification conferred by it, to subject to harassment a person who holds or applies for such a qualification.

(3) In this regulation—

«qualifications body» means any authority or body which can confer a professional or trade qualification, but it does not include—

(a) 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, or
 (b) a school;

«confer» includes renew or extend;

«professional or trade qualification» means any authorisation, qualification, recognition, registration, enrolment, approval or certification which is needed for, or facilitates engagement in, a particular profession or trade;
 «profession» and «trade» have the same meaning as in regulation 15.

17. Providers of vocational training

(1) It is unlawful, in relation to a person seeking or undergoing training which would help fit him for any employment, for any training provider to discriminate against him—

- (a) in the terms on which the training provider affords him access to any training;
- (b) by refusing or deliberately not affording him such access;
- (c) by terminating his training; or
- (d) by subjecting him to any other detriment during his training.

(2) It is unlawful for a training provider, in relation to a person seeking or undergoing training which would help fit him for any employment, to subject him to harassment.

(3) Paragraph (1) does not apply if the discrimination only concerns training for employment which, by virtue of regulation 7 (exception for genuine occupational requirement), the employer could lawfully refuse to offer the person seeking training.

(4) In this regulation—

«training» includes—

- (a) facilities for training; and
- (b) practical work experience provided by an employer to a person whom he does not employ;

«training provider» means any person who provides, or makes arrangements for the provision of, training which would help fit another person for any employment, but it does not include—

- (a) an employer in relation to training for persons employed by him;
- (b) 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; or
- (c) a school.

18. Employment agencies, careers guidance etc

(1) It is unlawful for an employment agency to discriminate against a person—

- (a) in the terms on which the agency offers to provide any of its services;
- (b) by refusing or deliberately not providing any of its services; or
- (c) in the way it provides any of its services.

(2) It is unlawful for an employment agency, in relation to a person to whom it provides its services, or who has requested it to provide its services, to subject that person to harassment.

(3) Paragraph (1) does not apply to discrimination if it only concerns employment which, by virtue of regulation 7 (exception for genuine occupational requirement), the employer could lawfully refuse to offer the person in question.

(4) An employment agency shall not be subject to any liability under this regulation if it proves that—

- (a) it acted in reliance on a statement made to it by the employer to the effect that, by reason of the operation of paragraph (3), its action would not be unlawful, and
- (b) it was reasonable for it to rely on the statement.

(5) A person who knowingly or recklessly makes a statement such as is referred to in paragraph (4) (a) which in a material respect is false or misleading commits an offence, and

shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) For the purposes of this regulation—

(a) «employment agency» means a person who, for profit or not, provides services for the purpose of finding employment for workers or supplying employers with workers, but it does not include—

- (i) 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, or
- (ii) a school; and

(b) references to the services of an employment agency include guidance on careers and any other services related to employment.

19. Assisting persons to obtain employment etc

(1) It is unlawful for the Secretary of State to discriminate against any person by subjecting him to a detriment, or to subject a person to harassment, in the provision of facilities or services under section 2 of the Employment and Training Act 1973 (arrangements for assisting persons to obtain employment).

(2) It is unlawful for Scottish Enterprise or Highlands and Islands Enterprise to discriminate against any person by subjecting him to a detriment, or to subject a person to harassment, in the provision of facilities or services under such arrangements as are mentioned in section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 (arrangements analogous to arrangements in pursuance of the said Act of 1973).

(3) This regulation does not apply in a case where—

- (a) regulation 17 (providers of vocational training) applies, or would apply but for the operation of any other provision of these Regulations, or
- (b) the Secretary of State is acting as an employment agency within the meaning of regulation 18.

20. Institutions of further and higher education

(1) It is unlawful, in relation to an educational establishment to which this regulation applies, for the governing body of that establishment to discriminate against a person—

- (a) in the terms on which it offers to admit him to the establishment as a student;
- (b) by refusing or deliberately not accepting an application for his admission to the establishment as a student; or
- (c) where he is a student of the establishment—

- (i) in the way it affords him access to any benefits,
- (ii) by refusing or deliberately not affording him access to them, or
- (iii) by excluding him from the establishment or subjecting him to any other detriment.

(2) It is unlawful, in relation to an educational establishment to which this regulation applies, for the governing body of that establishment to subject to harassment a person who is a student at the establishment, or who has applied for admission to the establishment as a student.

(3) Paragraph (1) does not apply if the discrimination only

concerns training which would help fit a person for employment which, by virtue of regulation 7 (exception for genuine occupational requirement), the employer could lawfully refuse to offer the person in question.

(4) This regulation applies to the following educational establishments in England and Wales, namely—

- (a) an institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992);
- (b) a university;
- (c) an institution, other than a university, within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).

(5) This regulation applies to the following educational establishments in Scotland, namely—

- (a) a college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 under the management of a board of management within the meaning of Part I of that Act;
- (b) a college of further education maintained by an education authority in the exercise of its further education functions in providing courses of further education within the meaning of section 1(5) (b) (ii) of the Education (Scotland) Act 1980;
- (c) any other educational establishment (not being a school) which provides further education within the meaning of section 1 of the Further and Higher Education (Scotland) Act 1992;
- (d) an institution within the higher education sector (within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992);
- (e) a central institution (within the meaning of section 135 of the Education (Scotland) Act 1980).

(6) In this regulation—

«education authority» has the meaning given by section 135(1) of the Education (Scotland) Act 1980;
«governing body» includes—

- (a) the board of management of a college referred to in paragraph (5) (a), and
- (b) the managers of a college or institution referred to in paragraph (5) (b) or (e);

«student» means any person who receives education at an educational establishment to which this regulation applies; and

«university» includes a university college and the college, school or hall of a university.

21. Relationships which have come to an end

(1) In this regulation a «relevant relationship» is a relationship during the course of which an act of discrimination against, or harassment of, one party to the relationship («B») by the other party to it («A») is unlawful by virtue of any preceding provision of this Part.

(2) Where a relevant relationship has come to an end, it is unlawful for A—

- (a) to discriminate against B by subjecting him to a detriment; or
- (b) to subject B to harassment,

where the discrimination or harassment arises out of and is closely connected to that relationship.

(3) In paragraph (1), reference to an act of discrimination or harassment which is unlawful includes, in the case of a relationship which has come to an end before the coming into force of these Regulations, reference to an act of discrimination or harassment which would, after the coming into force of these Regulations, be unlawful.

PART III

OTHER UNLAWFUL ACTS

22. Liability of employers and principals

(1) Anything done by a person in the course of his employment shall be treated for the purposes of these Regulations as done by his employer as well as by him, whether or not it was done with the employer's knowledge or approval.

(2) Anything done by a person as agent for another person with the authority (whether express or implied, and whether precedent or subsequent) of that other person shall be treated for the purposes of these Regulations as done by that other person as well as by him.

(3) In proceedings brought under these Regulations against any person in respect of an act alleged to have been done by an employee of his it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from doing that act, or from doing in the course of his employment acts of that description.

23. Aiding unlawful acts

(1) A person who knowingly aids another person to do an act made unlawful by these Regulations shall be treated for the purpose of these Regulations as himself doing an unlawful act of the like description.

(2) For the purposes of paragraph (1) an employee or agent for whose act the employer or principal is liable under regulation 22 (or would be so liable but for regulation 22(3)) shall be deemed to aid the doing of the act by the employer or principal.

(3) A person does not under this regulation knowingly aid another to do an unlawful act if—

- (a) he acts in reliance on a statement made to him by that other person that, by reason of any provision of these Regulations, the act which he aids would not be unlawful; and
- (b) it is reasonable for him to rely on the statement.

(4) A person who knowingly or recklessly makes a statement such as is referred to in paragraph (3) (a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

PART IV

GENERAL EXCEPTIONS FROM PARTS II AND III

24. Exception for national security

Nothing in Part II or III shall render unlawful an act done for the purpose of safeguarding national security, if the doing of the act was justified by that purpose.

25. Exceptions for positive action

(1) Nothing in Part II or III shall render unlawful any act done in or in connection with—

- (a) affording persons of a particular religion or belief access to facilities for training which would help fit them for particular work; or
- (b) encouraging persons of a particular religion or belief to take advantage of opportunities for doing particular work,

where it reasonably appears to the person doing the act that it prevents or compensates for disadvantages linked to religion or belief suffered by persons of that religion or belief doing that work or likely to take up that work.

(2) Nothing in Part II or III shall render unlawful any act done by a trade organisation within the meaning of regulation 15 in or in connection with—

- (a) affording only members of the organisation who are of a particular religion or belief access to facilities for training which would help fit them for holding a post of any kind in the organisation; or
- (b) encouraging only members of the organisation who are of a particular religion or belief to take advantage of opportunities for holding such posts in the organisation,

where it reasonably appears to the organisation that the act prevents or compensates for disadvantages linked to religion or belief suffered by those of that religion or belief holding such posts or likely to hold such posts.

(3) Nothing in Part II or III shall render unlawful any act done by a trade organisation within the meaning of regulation 15 in or in connection with encouraging only persons of a particular religion or belief to become members of the organisation where it reasonably appears to the organisation that the act prevents or compensates for disadvantages linked to religion or belief suffered by persons of that religion or belief who are, or are eligible to become, members.

26. Protection of Sikhs from discrimination in connection with requirements as to wearing of safety helmets

(1) Where—

- (a) any person applies to a Sikh any provision, criterion or practice relating to the wearing by him of a safety helmet while he is on a construction site; and
- (b) at the time when he so applies the provision, criterion or practice that person has no reasonable grounds for believing that the Sikh would not wear a turban at all times when on such a site,

then, for the purposes of regulation 3(1) (b) (iii), the provision, criterion or practice shall be taken to be one which cannot be shown to be a proportionate means of achieving a legitimate aim.

(2) Any special treatment afforded to a Sikh in consequence of section 11(1) or (2) of the Employment Act 1989 (exemption of Sikhs from requirements as to wearing of safety helmets on construction sites) shall not be regarded as giving rise, in relation to any other person, to any discrimination falling within regulation 3.

(3) In this regulation—

«construction site» means any place in Great Britain where any building operations or works of engineering construc-

tion are being undertaken, but does not include any site within the territorial sea adjacent to Great Britain unless there are being undertaken on that site such operations or works as are activities falling within Article 8(a) of the Health and Safety at Work etc Act 1974 (Application outside Great Britain) Order 2001; and
«safety helmet» means any form of protective headgear.

(4) In this regulation—

- (a) any reference to a Sikh is a reference to a follower of the Sikh religion; and
- (b) any reference to a Sikh being on a construction site is a reference to his being there whether while at work or otherwise.

PART V

ENFORCEMENT

27. Restriction of proceedings for breach of Regulations

(1) Except as provided by these Regulations no proceedings, whether civil or criminal, shall lie against any person in respect of an act by reason that the act is unlawful by virtue of a provision of these Regulations.

(2) Paragraph (1) does not prevent the making of an application for judicial review.

28. Jurisdiction of employment tribunals

(1) A complaint by any person («the complainant») that another person («the respondent»)—

- (a) has committed against the complainant an act to which this regulation applies; or
- (b) is by virtue of regulation 22 (liability of employers and principals) or 23 (aiding unlawful acts) to be treated as having committed against the complainant such an act,

may be presented to an employment tribunal.

(2) This regulation applies to any act of discrimination or harassment which is unlawful by virtue of any provision of Part II other than—

- (a) where the act is one in respect of which an appeal or proceedings in the nature of an appeal may be brought under any enactment, regulation 16 (qualifications bodies);
- (b) regulation 20 (institutions of further and higher education); or
- (c) where the act arises out of and is closely connected to a relationship between the complainant and the respondent which has come to an end but during the course of which an act of discrimination against, or harassment of, the complainant by the respondent would have been unlawful by virtue of regulation 20, regulation 21 (relationships which have come to an end).

(3) In paragraph (2) (c), reference to an act of discrimination or harassment which would have been unlawful includes, in the case of a relationship which has come to an end before the coming into force of these Regulations, reference to an act of discrimination or harassment which would, after the coming into force of these Regulations, have been unlawful.

(4) In this regulation, «enactment» includes an enactment

comprised in, or in an instrument made under, an Act of the Scottish Parliament.

29. Burden of proof: employment tribunals

(1) This regulation applies to any complaint presented under regulation 28 to an employment tribunal.

(2) Where, on the hearing of the complaint, the complainant proves facts from which the tribunal could, apart from this regulation, conclude in the absence of an adequate explanation that the respondent—

- (a) has committed against the complainant an act to which regulation 28 applies; or
- (b) is by virtue of regulation 22 (liability of employers and principals) or 23 (aiding unlawful acts) to be treated as having committed against the complainant such an act,

the tribunal shall uphold the complaint unless the respondent proves that he did not commit, or as the case may be, is not to be treated as having committed, that act.

30. Remedies on complaints in employment tribunals

(1) Where an employment tribunal finds that a complaint presented to it under regulation 28 is well-founded, the tribunal shall make such of the following as it considers just and equitable—

- (a) an order declaring the rights of the complainant and the respondent in relation to the act to which the complaint relates;
- (b) an order requiring the respondent to pay to the complainant compensation of an amount corresponding to any damages he could have been ordered by a county court or by a sheriff court to pay to the complainant if the complaint had fallen to be dealt with under regulation 31 (jurisdiction of county and sheriff courts);
- (c) a recommendation that the respondent take within a specified period action appearing to the tribunal to be practicable for the purpose of obviating or reducing the adverse effect on the complainant of any act of discrimination or harassment to which the complaint relates.

(2) As respects an unlawful act of discrimination falling within regulation 3(1) (b), if the respondent proves that the provision, criterion or practice was not applied with the intention of treating the complainant unfavourably on grounds of religion or belief, an order may be made under paragraph (1) (b) only if the employment tribunal—

- (a) makes such order under paragraph (1) (a) (if any) and such recommendation under paragraph (1) (c) (if any) as it would have made if it had no power to make an order under paragraph (1) (b); and
- (b) (where it makes an order under paragraph (1) (a) or a recommendation under paragraph (1) (c) or both) considers that it is just and equitable to make an order under paragraph (1) (b) as well.

(3) If without reasonable justification the respondent to a complaint fails to comply with a recommendation made by an employment tribunal under paragraph (1) (c), then, if it thinks it just and equitable to do so—

- (a) the tribunal may increase the amount of compensation

required to be paid to the complainant in respect of the complaint by an order made under paragraph (1) (b); or (b) if an order under paragraph (1) (b) was not made, the tribunal may make such an order.

(4) Where an amount of compensation falls to be awarded under paragraph (1) (b), the tribunal may include in the award interest on that amount subject to, and in accordance with, the provisions of the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996.

31. Jurisdiction of county and sheriff courts

(1) A claim by any person («the claimant») that another person («the respondent») —

- (a) has committed against the claimant an act to which this regulation applies; or
- (b) is by virtue of regulation 22 (liability of employers and principals) or 23 (aiding unlawful acts) to be treated as having committed against the claimant such an act,

may be made the subject of civil proceedings in like manner as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.

(2) Proceedings brought under paragraph (1) shall—

- (a) in England and Wales, be brought only in a county court; and
- (b) in Scotland, be brought only in a sheriff court.

(3) For the avoidance of doubt it is hereby declared that damages in respect of an unlawful act to which this regulation applies may include compensation for injury to feelings whether or not they include compensation under any other head.

(4) This regulation applies to any act of discrimination or harassment which is unlawful by virtue of—

- (a) regulation 20 (institutions of further and higher education); or
- (b) where the act arises out of and is closely connected to a relationship between the claimant and the respondent which has come to an end but during the course of which an act of discrimination against, or harassment of, the claimant by the respondent would have been unlawful by virtue of regulation 20, regulation 21 (relationships which have come to an end).

(5) In paragraph (4) (b), reference to an act of discrimination or harassment which would have been unlawful includes, in the case of a relationship which has come to an end before the coming into force of these Regulations, reference to an act of discrimination or harassment which would, after the coming into force of these Regulations, have been unlawful.

32. Burden of proof: county and sheriff courts

(1) This regulation applies to any claim brought under regulation 31 in a county court in England and Wales or a sheriff court in Scotland.

(2) Where, on the hearing of the claim, the claimant proves facts from which the court could, apart from this regulation, conclude in the absence of an adequate explanation that the respondent—

- (a) has committed against the claimant an act to which regulation 31 applies; or
- (b) is by virtue of regulation 22 (liability of employers and principals) or 23 (aiding unlawful acts) to be treated as having committed against the claimant such an act,

the court shall uphold the claim unless the respondent proves that he did not commit, or as the case may be, is not to be treated as having committed, that act.

33. Help for persons in obtaining information etc

(1) In accordance with this regulation, a person («the person aggrieved») who considers he may have been discriminated against, or subjected to harassment, in contravention of these Regulations may serve on the respondent to a complaint presented under regulation 28 (jurisdiction of employment tribunals) or a claim brought under regulation 31 (jurisdiction of county and sheriff courts) questions in the form set out in Schedule 2 or forms to the like effect with such variation as the circumstances require; and the respondent may if he so wishes reply to such questions by way of the form set out in Schedule 3 or forms to the like effect with such variation as the circumstances require.

(2) Where the person aggrieved questions the respondent (whether in accordance with paragraph (1) or not) —

- (a) the questions, and any reply by the respondent (whether in accordance with paragraph (1) or not) shall, subject to the following provisions of this regulation, be admissible as evidence in the proceedings;
- (b) if it appears to the court or tribunal that the respondent deliberately, and without reasonable excuse, omitted to reply within eight weeks of service of the questions or that his reply is evasive or equivocal, the court or tribunal may draw any inference from that fact that it considers it just and equitable to draw, including an inference that he committed an unlawful act.

(3) In proceedings before a county court in England or Wales or a sheriff court in Scotland, a question shall only be admissible as evidence in pursuance of paragraph (2) (a)—

- (a) where it was served before those proceedings had been instituted, if it was so served within the period of six months beginning when the act complained of was done;
- (b) where it was served when those proceedings had been instituted, if it was served with the leave of, and within a period specified by, the court in question.

(4) In proceedings before an employment tribunal, a question shall only be admissible as evidence in pursuance of paragraph (2) (a) —

- (a) where it was served before a complaint had been presented to the tribunal, if it was so served within the period of three months beginning when the act complained of was done;
- (b) where it was served when a complaint had been presented to the tribunal, either—
 - (i) if it was so served within the period of twenty-one days beginning with the day on which the complaint was presented, or
 - (ii) if it was so served later with leave given, and within a period specified, by a direction of the tribunal.

(5) A question and any reply thereto may be served on the respondent or, as the case may be, on the person aggrieved—

- (a) by delivering it to him;
- (b) by sending it by post to him at his usual or last-known residence or place of business;
- (c) where the person to be served is a body corporate or is a trade union or employers' association within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992, by delivering it to the secretary or clerk of the body, union or association at its registered or principal office or by sending it by post to the secretary or clerk at that office;
- (d) where the person to be served is acting by a solicitor, by delivering it at, or by sending it by post to, the solicitor's address for service; or
- (e) where the person to be served is the person aggrieved, by delivering the reply, or sending it by post, to him at his address for reply as stated by him in the document containing the questions.

(6) This regulation is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before a county court, sheriff court or employment tribunal, and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.

(7) In this regulation «respondent» includes a prospective respondent.

34. Period within which proceedings to be brought

(1) An employment tribunal shall not consider a complaint under regulation 28 unless it is presented to the tribunal before the end of—

- (a) the period of three months beginning when the act complained of was done; or
- (b) in a case to which regulation 36(7) (armed forces) applies, the period of six months so beginning.

(2) A county court or a sheriff court shall not consider a claim brought under regulation 31 unless proceedings in respect of the claim are instituted before the end of the period of six months beginning when the act complained of was done.

(3) A court or tribunal may nevertheless consider any such complaint or claim which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

(4) For the purposes of this regulation and regulation 33 (help for persons in obtaining information etc) —

- (a) when the making of a contract is, by reason of the inclusion of any term, an unlawful act, that act shall be treated as extending throughout the duration of the contract; and
- (b) any act extending over a period shall be treated as done at the end of that period; and
- (c) a deliberate omission shall be treated as done when the person in question decided upon it,

and in the absence of evidence establishing the contrary a person shall be taken for the purposes of this regulation to decide upon an omission when he does an act inconsistent with doing the omitted act or, if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

PART VI

SUPPLEMENTAL

35. Validity of contracts, collective agreements and rules of undertakings

Schedule 4 (validity of contracts, collective agreements and rules of undertakings) shall have effect.

36. Application to the Crown etc

(1) These Regulations apply—

- (a) to an act done by or for purposes of a Minister of the Crown or government department; or
- (b) to an act done on behalf of the Crown by a statutory body, or a person holding a statutory office,

as they apply to an act done by a private person.

(2) These Regulations apply to—

- (a) service for purposes of a Minister of the Crown or government department, other than service of a person holding a statutory office;
- (b) service on behalf of the Crown for purposes of a person holding a statutory office or purposes of a statutory body; or
- (c) service in the armed forces,

as they apply to employment by a private person, and shall so apply as if references to a contract of employment included references to the terms of service.

(3) Paragraphs (1) and (2) have effect subject to regulation 11 (police) .

(4) Regulation 9(3) (meaning of employment and contract work at establishment in Great Britain) shall have effect in relation to any ship, aircraft or hovercraft belonging to or possessed by Her Majesty in right of the government of the United Kingdom as it has effect in relation to a ship, aircraft or hovercraft specified in regulation 9(3) (a) or (b) .

(5) The provisions of Parts II to IV of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under these Regulations as they apply to proceedings in England and Wales which by virtue of section 23 of that Act are treated for the purposes of Part II of that Act as civil proceedings by or against the Crown, except that in their application to proceedings under these Regulations section 20 of that Act (removal of proceedings from county court to High Court) shall not apply.

(6) The provisions of Part V of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under these Regulations as they apply to proceedings in Scotland which by virtue of the said Part are treated as civil proceedings by or against the Crown, except that in their application to proceedings under these Regulations the proviso to section 44 of that Act (removal of proceedings from the sheriff court to the Court of Session) shall not apply.

(7) This paragraph applies to any complaint by a person («the complainant») that another person—

- (a) has committed an act of discrimination or harassment against the complainant which is unlawful by virtue of regulation 6 (applicants and employees) ; or
- (b) is by virtue of regulation 22 (liability of employers and principals) or 23 (aiding unlawful acts) to be treated as having committed such an act of discrimination or harassment against the complainant,

if at the time when the act complained of was done the complainant was serving in the armed forces and the discrimination or harassment in question relates to his service in those forces.

(8) A complainant may present a complaint to which paragraph (7) applies to an employment tribunal under regulation 28 only if—

- (a) he has made a complaint in respect of the same matter to an officer under the service redress procedures applicable to him; and
- (b) that complaint has not been withdrawn.

(9) For the purpose of paragraph (8) (b) , a complainant shall be treated as having withdrawn his complaint if, having made a complaint to an officer under the service redress procedures applicable to him, he fails to submit that complaint to the Defence Council under those procedures.

(10) Where a complaint is presented to an employment tribunal under regulation 28 by virtue of paragraph (8) , the service redress procedures may continue after the complaint is so presented.

(11) In this regulation—

«armed forces» means any of the naval, military or air forces of the Crown;

«service for purposes of a Minister of the Crown or government department» does not include service in any office mentioned in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975 ;

«the service redress procedures» means the procedures, excluding those which relate to the making of a report on a complaint to Her Majesty, referred to in section 180 of the Army Act 1955 , section 180 of the Air Force Act 1955 and section 130 of the Naval Discipline Act 1957; and

«statutory body» means a body set up by or in pursuance of an enactment, and «statutory office» means an office so set up.

37. Application to House of Commons staff

(1) These Regulations apply to an act done by an employer of a relevant member of the House of Commons staff, and to service as such a member, as they apply to an act done by and to service for purposes of a Minister of the Crown or government department, and accordingly apply as if references to a contract of employment included references to the terms of service of such a member.

(2) In this regulation «relevant member of the House of Commons staff» means any person—

- (a) who was appointed by the House of Commons Commission; or
- (b) who is a member of the Speaker's personal staff,

and subsections (6) to (12) of section 195 of the Employment Rights Act 1996 (person to be treated as employer of House of Commons staff) apply, with any necessary modifications, for the purposes of these Regulations.

38. Application to House of Lords staff

(1) These Regulations apply in relation to employment as a relevant member of the House of Lords staff as they apply in relation to other employment.

(2) In this regulation «relevant member of the House of Lords staff» means any person who is employed under a contract of employment with the Corporate Officer of the House

of Lords, and section 194(7) of the Employment Rights Act 1996 (continuity of employment) applies for the purposes of this regulation.

39. Savings of, and amendments to, legislation

(1) These Regulations are without prejudice to—

(a) sections 58 to 60 of the School Standards and Framework Act 1998 (appointment and dismissal of teachers in schools with a religious character etc); and
(b) section 21 of the Education (Scotland) Act 1980 (management of denominational schools).

(2) Schedule 5 (amendments to legislation) shall have effect.

VI.2. GALES

VI.2.1. LEGISLACIÓN

Welsh Church Act 1914 C. 91

Ámbito: E+W+S+N.I.

Welsh Church (Amendment) Act 1938 C.39

Welsh Church (Temporalities) Act 1919 C.65

Ámbito: E+W+S+N.I.

Welsh Church (Burial Grounds) Act 1945 C.27

Ámbito E+W+S+N.I.

The Welsh Church Act Funds (Designation and Specification) Order 1996 (No. 344)

Ámbito: E+W+S+N.I.

The Education (School Government) (Wales) Regulations 1999 (No. 2242 (W.2))

Church in Wales Accounting Regulations, R 3

The Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 Statutory Instrument (No. 3711 (W.307))

The Government of Maintained Schools (Wales) Regulations 2005 (No. 2914 (W.211))

The New Maintained Schools (Wales) Regulations 2005 (No. 2912 (W.209)

The Single Education Plan (Wales) Regulations 2006 (No. 877 (W.82))

Welsh Church Act 1914 (c. 91)

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Part IV Limit of Amount which may be granted in any Year by the Ecclesiastical Commissioners to the Representative Body

FOURTH SCHEDULE Method of Calculating Existing Interests for purposes of Commutation

FIFTH SCHEDULE Method of calculating Annuity to which Holder of an Ecclesiastical Office is entitled in lieu of Existing Interest which has been Commuted

An Act to terminate the establishment of the Church of England in Wales and Monmouthshire, and to make provision in respect of the Temporalities thereof, and for other purposes in connection with the matters aforesaid.

[18th September 1914]

PART I

DISESTABLISHMENT AND VESTING AND DISTRIBUTION OF PROPERTY

Disestablishment

1. Disestablishment and prohibition of future appointments

On the day (in this Act referred to as the date of disestablishment), the Church of England, so far as it extends to and exists in Wales and Monmouthshire (in this Act referred to as the Church in Wales), shall cease to be established by law, and, save as by this Act provided, no person shall, after the passing of this Act, be appointed or nominated by His Majesty or any person, by virtue of any existing right of patronage, to any ecclesiastical office in the Church in Wales.

2. Ecclesiastical corporations and bishops

(1) On the date of disestablishment every cathedral and ecclesiastical corporation in the Church in Wales, whether sole or aggregate, shall be dissolved.

(2) On and after the date of disestablishment no bishop of the Church in Wales shall as such be summoned to or be qualified to sit or vote as a Lord of Parliament; but save as aforesaid every person who is at the passing of this Act a bishop, dean, canon, or archdeacon of or the holder of any ecclesiastical office in the Church in Wales, shall during his life enjoy the same title and precedence as if this Act had not passed.

(3) Writs of summons shall be issued to bishops not disqualified by this enactment for sitting in the House of Lords as if the bishops so disqualified had vacated their sees.

3. Ecclesiastical law and courts

(1) As from the date of disestablishment ecclesiastical courts and persons in Wales and Monmouthshire shall cease to exercise any jurisdiction, and the ecclesiastical law of the Church in Wales shall cease to exist as law.

(2) As from the same date the then existing ecclesiastical law and the then existing articles, doctrines, rites, rules, discipline, and ordinances of the Church of England shall, with and subject to such modification or alteration, if any, as af-

ter the passing of this Act may be duly made therein, according to the constitution and regulations for the time being of the Church in Wales, be binding on the members for the time being of the Church in Wales in the same manner as if they had mutually agreed to be so bound, and shall be capable of being enforced in the temporal courts in relation to any property which by virtue of this Act is held on behalf of the said Church or any members thereof, in the same manner and to the same extent as if such property had been expressly assured upon trust to be held on behalf of persons who should be so bound:

Provided that no alteration in the articles, doctrines, rites, or, save so far as may be rendered necessary by the passing of this Act, in the formularies of the Church in Wales, shall be so far binding on any ecclesiastical person having any existing interest saved by this Act, as to deprive him of that interest, if he, within one month after the making of the alteration, signifies in writing to the representative body herein-after mentioned his dissent therefrom.

(3) The said constitution and regulations of the Church in Wales may, notwithstanding anything in this section, provide for the establishment for the Church in Wales of ecclesiastical courts, and, if the Archbishop of Canterbury consents, for appeals from any of the courts so established being heard and determined by the provincial court of the Archbishop, and the Archbishop may, with the approval of His Majesty in Council, give such consent, but no such courts shall exercise any coercive jurisdiction and no appeal shall lie from any such court to His Majesty in Council.

(4) The power of making by such constitution and regulations alterations and modifications in ecclesiastical law shall include the power of altering and modifying such law so far as it is embodied in the Church Discipline Act 1840, the Public Worship Regulation Act 1874, the Clergy Discipline Act 1892, or the Ecclesiastical Dilapidations Acts 1871 and 1872, or any other Act of Parliament.

(5) As from the date of disestablishment the bishops and clergy of the Church in Wales shall cease to be members of or be represented in the Houses of Convocation of the Province of Canterbury, but nothing in this Act shall affect the powers of those Houses so far as they relate to matters outside Wales and Monmouthshire.

Vesting of Property

4. Vesting of property

(1) As from the date of disestablishment there shall, save as by this section provided, vest in the Welsh Commissioners hereinafter mentioned—

- (a) all property vested in the Ecclesiastical Commissioners or Queen Anne's Bounty, which is ascertained as hereinafter mentioned to be Welsh ecclesiastical property; and
- (b) all property not so vested, and not consisting of charges on the common fund of the Ecclesiastical Commissioners, which, at the passing of this Act, belongs to or is appropriated to the use of any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such;

subject, in the case of all such property, to all tenancies, charges, and incumbrances, and to all rights and interests saved by this Act, affecting the property.

(2) All plate, furniture, and other moveable chattels belonging to any church affected by this Act, or used in connection with the celebration of Divine worship therein, not being the

property of a private individual, shall vest in the representative body hereinafter mentioned if and when incorporated:

Provided that if such a body is not incorporated at the date of disestablishment all such moveable chattels as aforesaid shall, until the incorporation of such a body, remain vested in the same persons and be applicable to the same purposes as before the date of disestablishment.

5. Apportionment of property by Ecclesiastical Commissioners and Queen Anne's Bounty

(1) The Ecclesiastical Commissioners shall, as soon as may be after the passing of this Act and before the date of disestablishment, ascertain and by order declare what property vested in them at the passing of this Act, or under the provisions herein-after in this section contained, consists of property of either of the classes or descriptions mentioned in Part I of the First Schedule to this Act, and property so ascertained and declared shall, subject to the adjustments made in accordance with Part II of the same Schedule, and to such alterations therein as may be made between the passing of this Act and the date of disestablishment, be Welsh ecclesiastical property within the meaning of this Act.

(2) Queen Anne's Bounty shall as soon as may be after the passing of this Act, and before the date of disestablishment, ascertain and by order declare what property vested in them at the passing of this Act, or under the provisions herein-after in this section contained, is property of the class or description mentioned in the Second Schedule to this Act, and all property so ascertained and declared shall, subject to such alterations therein and additions thereto as may be made between the passing of this Act and the date of disestablishment, be Welsh ecclesiastical property within the meaning of this Act, and the order shall distinguish between the property derived from grants made by Queen Anne's Bounty out of the Royal Bounty Fund or moneys provided by Parliament and property derived from other sources.

(3) There shall as from the passing of this Act become vested in the Ecclesiastical Commissioners and Queen Anne's Bounty respectively all property (other than ecclesiastical residences) belonging to or appropriated to the use of any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such, towards the purchase of which grants made by the Ecclesiastical Commissioners and Queen Anne's Bounty respectively have been applied; but such vesting shall not affect any beneficial interest in any such property.

(4) Orders of the Ecclesiastical Commissioners and Queen Anne's Bounty under this section and the Schedules therein referred to shall be made with the concurrence of the Welsh Commissioners, or, in default of such concurrence, with the approval of His Majesty the King in Council given on the advice of the Judicial Committee of the Privy Council.

6. Powers and liabilities of Ecclesiastical Commissioners and Queen Anne's Bounty after disestablishment

As from the date of disestablishment, any liability or power of the Ecclesiastical Commissioners or Queen Anne's Bounty to make payments for any ecclesiastical purpose in or connected with the Church in Wales shall cease:

Provided that—

(a) they shall continue to make such payments as are required for the purpose of preserving any existing interests; and

(b) nothing in this Act shall prevent them from carrying into effect any contract made before the passing of this Act for the sale or purchase of any property affected by this Act or otherwise in relation to any such property, or from making any payments which under this Act they are required or authorised to make; and

(c) it shall be lawful for the Ecclesiastical Commissioners and Queen Anne's Bounty, if they think fit, within one year after the date of disestablishment, to transfer to the representative body the whole or any part of the property specified in Part I and Part II respectively of the Third Schedule to this Act, and for the Ecclesiastical Commissioners to charge their common fund with the payment to the representative body of a perpetual annuity not exceeding the annual value of the property mentioned in Part III of the Third Schedule to this Act, subject to the payment thereout by the representative body of such sums as may be required for preserving existing interests in any such property; and

(d) it shall be lawful for the Ecclesiastical Commissioners and Queen Anne's Bounty in any year after the date of the disestablishment to pay to the representative body such sum (if any) as they think fit, so, however, that, in the case of the Ecclesiastical Commissioners, the sum paid in any year shall not exceed the sum mentioned in Part IV of the Third Schedule to this Act.

7. Private benefactions

(1) Any property which consists of, or is the produce of, or is or has been derived from, property given by any person out of his private resources since the year sixteen hundred and sixty-two, or money raised by voluntary subscriptions since that year, or voluntarily given since that year out of funds not liable under any statutory provision to be applied to ecclesiastical purposes, or which is the produce of, or is or has been derived from the proceeds of sale of advowsons sold under the Lord Chancellor's Augmentation Act and applied for the augmentation of any livings in Wales or Monmouthshire, shall, for the purposes of this Act, be deemed to be a private benefaction.

(2) Where, in the case of any property given or money raised since the year sixteen hundred and sixty-two, the source from which such property or money was derived is unknown, it shall be deemed to be a private benefaction within the meaning of this Act.

(3) The Ecclesiastical Commissioners and Queen Anne's Bounty as respects any property transferred from them respectively, and the Welsh Commissioners as respects any other property vested in them by this Act, shall as soon as may be after the passing of this Act ascertain and by order declare what part of the property constitutes private benefactions within the meaning of this Act.

(4) Orders of the Ecclesiastical Commissioners and Queen Anne's Bounty under this section shall be made with the concurrence of the Welsh Commissioners, and every such order of the Welsh Commissioners under this section as relates to a benefice with respect to which the Ecclesiastical Commissioners or Queen Anne's bounty have sent to the Welsh Commissioners full particulars of any private benefaction made thereto through them, shall be made with the concurrence of the Ecclesiastical Commissioners or Queen Anne's Bounty as the case requires, and if in any case the concurrence required by this section is not given, the order shall be made with the approval of His Majesty the King in Council, given on the advice of the Judicial Committee of the Privy Council.

Distribution of Property

8. Distribution of property by Welsh Commissioners.

(1) Subject to the provisions of this Act, the Welsh Commissioners shall by order transfer the property vested in them by this Act, as follows:—

- (a) they shall transfer to the representative body—
 - (i) all churches;
 - (ii) all ecclesiastical residences, together with any moveable chattels held and enjoyed with or as incident to the occupation of any such residence, by the incumbent for the time being of the office to which the residence is attached;
 - (iii) all funds or endowments specially allocated to the repair, restoration, or improvement of the fabric of any such church or ecclesiastical residence;
 - (iv) all property which consists of or is the produce of or is or has been derived from grants made by Queen Anne's Bounty out of moneys provided by Parliament;
 - (v) all property which consists of or is the produce of or is or has been derived from grants made by Queen Anne's Bounty out of the Royal Bounty Fund;
 - (vi) all private benefactions;
 - (vii) if so requested by the representative body, any glebe or other land, not comprised within any of the above-mentioned categories and not being a burial ground; subject to the payment by the representative body to the Welsh Commissioners of a sum equal to the value thereof, such value to be determined in default of agreement by arbitration, regard being had to the tenancies, charges, incumbrances, interests, and rights subject to which the land is transferred to the representative body;
 - (viii) if so requested by the representative body, any burial grounds which before the date of disestablishment have been closed under or in pursuance of the provisions of any Act of Parliament or of any Order in Council made thereunder;
- (c) of the property not so transferred to the representative body they shall transfer any tithe rentcharge which was formerly appropriated to the use of any parochial benefice to the council of the county in which the land out of which the tithe rentcharge issues is situate: Provided that where such land is not situate in Wales or Monmouthshire they shall transfer the tithe rentcharge to the council of such county in Wales and Monmouthshire as the Welsh Commissioners think fit;
- (d) of the property not so transferred to the representative body they shall transfer any other property which was formerly appropriated to the use of any parochial benefice (including the money paid under this section by the representative body in respect of glebes) to the council of the county in which the ecclesiastical parish to the use of which the property was so appropriated is situate: Provided that if such ecclesiastical parish is situate in more than one county the property shall be transferred to such one or more of those councils or be divided between them as the Welsh Commissioners may think fit;
- (e) they shall transfer all other property vested in them to the University of Wales.

(2) Save as otherwise provided by this Act, all property transferred under this section shall be held subject to all existing public and private rights with respect thereto, and all tenancies, charges, and incumbrances which may at the date

of transfer be subsisting therein, and in the case of all such property, except tithe rentcharge transferred to a county council, to the existing interests of all persons who at the passing of this Act hold ecclesiastical offices in the Church in Wales, and in the case of such tithe rentcharge to the obligation to make such provision as is herein-after mentioned in lieu of such existing interests.

(3) Where property of any such class as aforesaid has before the date of disestablishment been sold, redeemed, or otherwise converted, or where any moneys are at that date held upon trust to be applied in the building purchase or repair of, or to make good dilapidations in, property of any such class as aforesaid, the proceeds of sale, redemption, or other conversion, and such moneys as aforesaid or the securities in which such proceeds or moneys are for the time being invested, shall be dealt with in like manner as if they were property of that class.

Border Parishes

9. Provisions as to border parishes

(1) The Welsh Commissioners shall, as soon as may be after the passing of this Act, with respect to any ecclesiastical parish part only whereof is situate in Wales or Monmouthshire, by order determine, with reference to the general wishes of the parishioners, whether the parish is to be treated as being wholly within or wholly without Wales or Monmouthshire, and the parish shall for the purposes of this Act be treated accordingly

(2) The Ecclesiastical Commissioners shall by order attach to an English diocese any ecclesiastical parish which at the passing of this Act is situate in a Welsh diocese, but not in Wales or Monmouthshire, and any such ecclesiastical parish which under this section is to be treated as being wholly without Wales or Monmouthshire, and may make any provisions which appear to them necessary or incidental to such attachment, including the transfer to the bishop of the diocese to which the parish is attached of the right of patronage in any case where such right was immediately before the passing of this Act vested in any cathedral or ecclesiastical corporation dissolved by this Act, but no such order shall come into effect until the date of disestablishment.

(3) Any ecclesiastical parish which is at the passing of this Act situate wholly in Wales or Monmouthshire, or is for the purposes of this Act to be treated as so situate, and forms part of an English diocese, shall, as from the date of disestablishment, cease to form part of that diocese, and shall be attached to such Welsh diocese as may be determined in manner provided by the constitution and regulations of the Church in Wales.

(4) Save as by this section provided, nothing in this Act shall affect any English diocese.

PART II

WELSH COMMISSIONERS AND REPRESENTATIVE BODY

Welsh Commissioners

10. Appointment of Commissioners

(1) Such persons, not exceeding three in number, as His Majesty may by warrant under His Sign Manual appoint, of whom one at least shall be a member of the Church of England, shall be Commissioners under this Act. If any vacancy

among them occurs by death, resignation, incapacity, or otherwise, His Majesty may, by warrant under His Sign Manual, appoint some fit person to fill the vacancy.

(2) The said Commissioners (in this Act referred to as the Welsh Commissioners) shall be a body corporate, styled, «The Commissioners of Church Temporalities in Wales» with a common seal, and power to hold land for the purposes of this Act without licence in mortmain.

(3) The Welsh Commissioners may act by any one of their body and notwithstanding any vacancy in their number, but if any person aggrieved by an order of one Commissioner so requires, the order shall be reconsidered on rehearing by the three Commissioners. (4) There shall be paid to one of the Welsh Commissioners such salary, not exceeding fifteen hundred pounds a year, and to one other of the Commissioners such salary, not exceeding one thousand pounds a year, as the Treasury may direct.

(5) The Welsh Commissioners may, with the consent of a Secretary of State, and the consent of the Treasury as to number and remuneration, appoint or employ and remove a secretary, and such other officers and persons, and with such remuneration, as appears necessary for enabling the Commissioners to carry this Act into effect.

(6) The said salaries and remuneration and all incidental expenses sanctioned by the Treasury of carrying this Act into effect shall be paid by the Commissioners out of moneys in their hands in pursuance of this Act, but not so as in any way to diminish the property to be transferred to the representative body or county councils under this Act.

(7) The powers of the Commissioners shall continue until the end of the year in which this Act is passed and for three years thereafter, and no longer, and the Commissioners shall then be dissolved; but it shall be lawful for His Majesty from time to time with the advice of His Privy Council, on the application of the Commissioners, to suspend the dissolution of the Commissioners and, subject to revision by the Treasury of the salaries of the Commissioners and the remuneration and number of their officers, to continue their powers for such time, not exceeding in the aggregate two years, as His Majesty thinks fit.

11. Powers and procedure of Commissioners

(1) Subject to such appeal as is in this Act mentioned, the Welsh Commissioners shall have full power to decide all questions, whether of law or of fact, which it may be necessary to decide for the purposes of this Act, and shall not be subject to be restrained in the due execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

(2) The Welsh Commissioners with respect to—

(a) enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses, and the production of deeds, books, papers, and documents;

(b) issuing any commission for the examination of witnesses;

(c) punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the Commissioners or any of them sitting in open court; and

(d) making or enforcing any order made by them for carrying into effect this Act;

shall have all such powers, rights, and privileges as are vested in the High Court for such or the like purposes, and all proceedings before the Commissioners shall in law be judicial proceedings before a court of record.

(3) The Welsh Commissioners may review and rescind or vary any order or decision previously made by them or any of them; but save as aforesaid, and as by this Act provided, every order or decision of the Welsh Commissioners shall be final.

(4) They shall make general rules for regulating their procedure under this Act, and generally for securing the due execution of their powers, and giving effect to this Act. All such general rules shall be submitted to His Majesty the King in Council for confirmation, and when so confirmed, with or without modifications, shall be laid before both Houses of Parliament, and shall have effect as if enacted by this Act.

(5) They shall in each year make a report to the Secretary of State of their proceedings under this Act, and this report shall be laid before Parliament.

12. Appeal to the King in Council

(1) An appeal shall lie to His Majesty the King in Council against any decision of the Welsh Commissioners with respect to any question as to what constitutes a private benefaction, or as to what sum should be paid under this Act as compensation, by way of annuity or otherwise, to any person, or as to what sum should be paid to any person in substitution for and in satisfaction of his interest in any tithe rentcharge, and any such appeal shall be referred to the Judicial Committee of the Privy Council.

(2) Any appeal referred to the Judicial Committee under this Act shall be heard and dealt with in like manner as if it were an appeal from a court from which an appeal lies to His Majesty in Council, and the Judicial Committee shall have the same power with respect to the costs of the parties and otherwise as they have with respect to any such appeal.

Constitution of Representative Body

13. Power to hold synods and constitute representative body

(1) Nothing in any Act, law, or custom shall prevent the bishops, clergy, and laity of the Church in Wales from holding synods or electing representatives thereto, or from framing, either by themselves or by their representatives elected in such manner as they think fit, constitutions and regulations for the general management and good government of the Church in Wales and the property and affairs thereof, whether as a whole or according to dioceses, and the future representation of members thereof in a general synod or in diocesan synods, or otherwise.

(2) If at any time it is shown to the satisfaction of His Majesty the King that the said bishops, clergy, and laity have appointed any persons to represent them, and hold property for any of their uses and purposes, His Majesty in Council may by charter incorporate such persons (in this Act referred to as the representative body) Annotations:

PART III

EXISTING INTERESTS: COMPENSATION: APPLICATION OF RESIDUE

Provisions as to existing Interests, and Compensation therefore

14. Provisions as to existing interests

(1) Any person who at the date of the passing of this Act holds an ecclesiastical office affected by this Act by freehold

tenure or by any tenure which, in the opinion of the Welsh Commissioners, is in practice equivalent to freehold tenure shall retain his existing interest in the emoluments of that office so long as he holds that office or any other ecclesiastical office in the Church in Wales to which he may be nominated or appointed after the passing of this Act, whether before or after the date of disestablishment:

Provided that where any such person is nominated or appointed to any ecclesiastical office in the Church in Wales, other than that which he held at the passing of this Act—

- (a) he shall (save as otherwise expressly provided by this Act) pay over the net income of the ecclesiastical office held by him at the passing of this Act to the representative body;
- (b) he shall cease to have any existing interest in any burial ground or any ecclesiastical residence attached to the office he held at the passing of the Act.

(2) On such a person as aforesaid ceasing for six months to hold any ecclesiastical office in the Church in Wales such existing interest as aforesaid shall determine:

Provided that if he resigned the office which he last held with the consent of the representative body on the ground that he was incapacitated by permanent mental or bodily infirmity for the performance of his duties, he shall be entitled to receive during the remainder of his life an annuity equal to one-third of the average net income of the office which he held at the passing of this Act (exclusive of the annual value of the ecclesiastical residence, if any, attached to the office), during the seven years immediately preceding the date of his resignation, and such annuity shall be charged on the property out of which the emoluments of that office were payable, and shall be payable by the body or authority in which such property is vested, or if such property is vested in more than one body or authority, by those bodies or authorities in proportion to the value of the parts of the property vested in them respectively.

(3) If any question arises under this section as to whether a person has been so incapacitated as aforesaid, or as to the amount of the annuity payable to him, or as to the bodies or authorities by whom such annuity is payable, or the proportions they are liable to contribute thereto, or as to the amount to be paid over under this section as the net income of any ecclesiastical office, the question shall be determined by arbitration.

(4) For the purposes of this section «net income» shall have the same meaning as the expression «annual value of a benefice» has in the M7 Incumbents' Resignation Act 1871.

(5) Where the emoluments of any such ecclesiastical office in the Church in Wales do not consist of an interest in any specific property, but consist of a right to receive a fixed annual sum, then—

- (a) if that sum was before the date of disestablishment payable directly or indirectly out of the common fund of the Ecclesiastical Commissioners such right shall be deemed to be an existing interest in the property on which the payment of such annual sum is charged by this Act; and
- (b) if that sum was before that date payable otherwise than out of such fund as aforesaid, and the property out of which it was paid is by virtue of this Act vested in the Welsh Commissioners, such right shall be deemed to be an existing interest in that property.

(6) The dissolution by this Act of a corporation aggregate shall not affect the rights of any existing member of that corporation in the emoluments to which as a member of the corporation he was at the passing of this Act entitled.

(7) Where before the date of disestablishment a person has,

under the Bishops' Resignation Act 1869, the Deans' and Canons' Resignation Act 1872, or the Incumbents' Resignation Act 1871 as amended by any subsequent enactment, become entitled to a pension, charged on or payable out of the income of any ecclesiastical office in the Church in Wales, he shall continue entitled to receive the same pension as if this Act had not been passed from the existing holder of the said ecclesiastical office so long as his existing interest in the emoluments of that office continues, and after the cesser of that interest from the body or person in whom the property out of which the emoluments of that office were payable is vested, or, if such property is vested in more than one body or authority, by those bodies or authorities in proportion to the value of the parts of the property vested in them respectively, and if any question arises as to the bodies or authorities by whom the pension is payable or as to the proportion they are to be liable to contribute thereto, the question shall be determined by arbitration.

(8) Nothing in this section shall be construed as entitling the holder of any ecclesiastical office to receive the emoluments of that office during any period whilst he may be suspended by order of a court of competent jurisdiction from exercising the spiritual functions of that office.

15. Provisions as to tithe rentcharge

(1) There shall be paid to each person who has any existing interest in any tithe rentcharge transferred to a county council under this Act, in substitution for and in satisfaction of that interest, and so long as that interest would otherwise have continued, the annual amount, according to the septennial average for the time being, of that tithe rentcharge, after deducting such sum as may be allowed by the Welsh Commissioners for cost of collection, rates, and other outgoings.

(2) The amount so payable shall be paid half yearly by the county council to the representative body upon trust to pay over the same to the person who had such an existing interest as aforesaid, and the amount so payable by the county council shall be a debt from the council to the representative body, and a charge on the county fund.

(3) A county council and the representative body shall as respects any tithe rentcharge transferred to them under this Act which was previously attached to a benefice, be deemed to be the owner of tithe rentcharge attached to a benefice for the purposes of the Tithe M11 Rentcharge Rates Act 1899 so long as the holder of the benefice continues to be entitled to the amount payable in respect of such tithe rentcharge under this section, but no longer.

(4) Nothing in this section shall be construed as relieving the holder of any ecclesiastical office in the Church in Wales so long as the amount payable under this section is so paid of any liability to repair any ecclesiastical building to which as the owner of tithe rentcharge he was subject immediately before the passing of this Act.

16. Compensation to lay patrons

The Welsh Commissioners, if application is made to them within six months after the passing of this Act by or on behalf of any person who or whose predecessor in title was at that date entitled to any right of patronage of any benefice affected by this Act, shall, at the expiration of two years from the date of disestablishment, or, if a vacancy in that benefice occurs after the date of disestablishment but before the expiration of that period, on the occurrence of the vacancy, pay in compensation for the extinction of that right such an amount

as the Welsh Commissioners may think just, so however that the total amount paid by way of compensation in respect of any benefice shall not exceed one year's emoluments of the benefice taken on an average of the three years immediately before the passing of this Act:

Provided that—

(1) His Majesty shall not, nor shall any corporation, sole or aggregate, dissolved by this Act, nor shall any trustees, officers, or other persons acting in a public capacity, be entitled to any payment under this section for or in respect of any right of patronage; and

(2) Where any person would, but for the provisions of the statutes affecting Roman Catholics in reference to conformity to the Established Church, have had at the passing of this Act any such right of patronage he or his successors in title shall be entitled to compensation therefor in the same manner as if it had been then actually vested in him; and

(3) A trustee or other person occupying a fiduciary position shall not be bound to make an application under this section; and

(4) The compensation paid under this section shall be paid out of or charged on the property vested in the Welsh Commissioners under this Act, other than burial grounds and the property to be transferred to the representative body, in such manner that the burden thereof may be distributed amongst the University of Wales and the several county councils in proportion to the value of the property transferred to them respectively.

17. Compensation to lay holders of freehold offices

If the Welsh Commissioners find that any person who at the passing of this Act holds any lay office in the church in Wales by freehold tenure or by any tenure which, in the opinion of the Commissioners, is in practice equivalent to freehold tenure, is deprived of any emoluments by the operation of this Act, they may pay to that person out of moneys in their hands in pursuance of this Act, such sum by way of compensation, either by means of a single payment or of the purchase of a life annuity, as they may, with the consent of the Treasury, determine:

Provided that the compensation paid under this section shall be paid out of or charged on the property vested in the Welsh Commissioners under this Act, other than burial grounds and the property to be transferred to the representative body, in such manner that the burden thereof may be distributed amongst the University of Wales and the several county councils in proportion to the value of the property transferred to them respectively.

18. Provisions as to commutation

(a) As from the date of disestablishment or of such notice, whichever is the later (herein-after referred to as the date of commutation), the existing interests of the holders of all ecclesiastical offices in the Church in Wales in all property (other than burial grounds) vested in the Welsh Commissioners and by them to be transferred to the county councils or the University of Wales shall determine; and the provisions of this Act respecting existing interests in such property, and the payment of money in substitution for and in satisfaction of such interests, and respecting the right of the representative body to require the transfer to them of glebe or other land subject to the payment of the value thereof, and respecting the liability of the existing holders of ecclesiastical offices to pay tenths, shall cease to have effect:

(b) The Welsh Commissioners shall, as soon as may be after the date of commutation, pay to the representative body the aggregate value of the existing interests of holders of ecclesiastical

offices in the Church in Wales in such property as aforesaid, being offices held by freehold tenure or any tenure which, in the opinion of the Welsh Commissioners, is in practice equivalent to freehold tenure, such value to be ascertained in manner provided by the Fourth Schedule to this Act, together with interest on that amount at the rate of three and one-half per cent. per annum from the date of commutation to the date of payment:

Provided that, if the representative body so request, the Welsh Commissioners shall transfer to the representative body any glebe or other land (not being a burial ground) vested in them in part satisfaction of the sum so payable, the value of such land to be settled in default of agreement by arbitration:

(c) The Welsh Commissioners shall, in addition to the amount payable under the last preceding paragraph, pay to the representative body towards the costs of administration a sum equal to two and one-half per cent. of that amount:

(d) The Welsh Commissioners shall, on the request of the representative body, from time to time make payments on account of the sums so payable to the representative body, not exceeding at any time the amount then received by or due to the Welsh Commissioners as income from the property vested in them and to be by them transferred to the University of Wales and county councils, and such payments on account shall be treated as having been made on account of interest and not on account of capital, except so far as any sum paid on account is found to have been in excess of the interest due at the date of the payment on account:

(e) The holder of any ecclesiastical office in the Church in Wales which is held by freehold tenure, or by any tenure which in the opinion of the Welsh Commissioners is in practice equivalent to freehold tenure, shall, subject to any arrangements which may be made between him and the representative body, be entitled, in lieu of his existing interest in such property as aforesaid, to an annuity calculated in manner provided by the Fifth Schedule to this Act, so long as he continues to hold an ecclesiastical office in the Church in Wales; and any question as to the amount thereof shall be determined by arbitration:

(f) Every annuity payable under this section shall be charged on the property for the time being vested in the representative body, and shall be treated as part of the emoluments of the ecclesiastical office which the annuitant held at the passing of this Act; and accordingly, where the interest of the annuitant in the emoluments of his office was at the date of commutation subject to any incumbrance, the incumbrancer shall have the same rights, as nearly as may be, against the annuity as he has against the other emoluments of the office, and any curate licensed before the passing of this Act to serve under the annuitant shall, so long as the annuitant holds his existing office, have the same rights against the annuity as he has against the other emoluments of the office:

(g) The annuitant shall continue liable to repair any ecclesiastical building which he would have been liable to repair if he had retained his existing interest in such property as aforesaid:

(h) Nothing in this section shall affect the right of the holder of an ecclesiastical office to an annuity on resignation conferred by this Act, but the whole of such annuity shall be payable by the representative body.

Application of Residue

19. Application of residue of property

(1) Subject to the provisions of this Act, the property vested in the Welsh Commissioners by this Act, other than the property transferred to the representative body and burial grounds, shall be applied as follows:—

(a) Property vested in a Welsh county council or county borough council by virtue of a designation made under section 50 of the Local Government (Wales) Act 1994 shall be applied, in accordance with one or more schemes made by a Welsh county council or county borough council either] alone or jointly with any other such council and approved by the Secretary of State, to any charitable or eleemosynary purpose of local or general utility, including the aiding of poor scholars;

(b) All other property to which this section relates shall be applied in the first instance towards payment of the expenses of carrying this Act into execution (exclusive of any expenses incurred in the administration of any scheme made by a county or county borough council) and, subject thereto, shall be applied by the University of Wales by way of the appropriation or payment either of capital or annual sums, or partly in one such way and partly in the other, for the benefit of the University and the following institutions, that is to say, the University College of Wales, Aberystwyth, the University College of North Wales, The University College of South Wales and Monmouthshire, the University College of Swansea] and the National Library of Wales, so, however, that the ultimate share of each such university college shall be three sixteenths], and of the National Library of Wales one-eighth, of the total amount so distributable, and that in applying its share each such university college shall have regard to the needs of poor scholars.

(2) In framing schemes under this section as to the application of property formerly appropriated to the use of parochial benefices, due regard shall be had to the wants and circumstances of the parish in which the property is situate or from which it is or has been derived, and of the parish comprising the ecclesiastical parish to which any such property was attached, and generally to the circumstances of each particular case.

(3) A scheme made under this section may be amended or revoked by a scheme made and confirmed in like manner as the original scheme.

(4) Every scheme made and confirmed under this section shall be laid before both Houses of Parliament as soon as may be after it is confirmed, and shall have effect as if enacted in this Act.

PART IV

SUPPLEMENTAL

20. First fruits and tenths

As from the date of disestablishment first fruits in respect of any subsequent appointment to any ecclesiastical office in the Church in Wales, and tenths in respect of any such office, shall cease to be payable:

Provided that nothing in this Act shall affect the liability of any person who at the passing of this Act has an existing interest in the emoluments of any ecclesiastical office in the Church in Wales to pay tenths, but such tenths shall after the date of disestablishment be paid to the Welsh Commissioners or as they may direct, and shall continue to be so payable so long as such person continues entitled to such an interest.

22. Provision as to trusts

(1) Where any cathedral or ecclesiastical corporation dissolved by this Act holds any property in trust for any charitable purpose, the property shall on the dissolution of the cor-

poration vest in the Welsh Commissioners, and the Commissioners shall, on the request of the representative body, transfer the property to that body or to persons appointed by them, subject to the trusts affecting the same, and under the same supervision, local or otherwise, as heretofore, or as near thereto as the circumstances of the case will admit.

(2) Where any ecclesiastical persons are immediately before the date of disestablishment in right of their offices entitled to be trustees of any property held in trust for any charitable purpose, or members of any bodies constituted for the management of any private endowment, or trustees for the management of property belonging to institutions or private foundations for purposes not ecclesiastical, or to exercise any control or to give any consent or approval in respect of any trust, endowment, foundation, or institution, then the persons (if any) who may hereafter at any time discharge duties similar or analogous to those now discharged by those ecclesiastical persons, and in succession to them, shall be entitled to succeed in their room and to be members of such bodies and to act as such trustees and to exercise such control and to give such consent or approval:

Provided that the bishops of the Church in Wales shall not as such continue to be Ecclesiastical Commissioners or Governors of Queen Anne's Bounty.

24. Supplemental provisions as to burial grounds

(1) Nothing in this Act shall during the incumbency of an existing incumbent of an ecclesiastical parish—

(a) affect any powers or rights with respect to burials in the burial ground of that parish, including the consecrated portion of any burial ground provided under the Burial Acts 1852 to 1906, or affect any enactment requiring or authorising a notice or certificate of any burial to be given to the incumbent; or

(b) affect the right of any existing clerk or sexton to fees in respect of such burials.

(2) The vesting of any burial ground under this Act shall be without prejudice to any existing public and private rights of burial therein.

(3) Where any burial ground which, under this Act, is transferred to any authority (whether a burial board, council, chairman of a parish meeting and overseers, or trustees) adjoins a church vested in the representative body, then after the determination of the incumbency of the existing incumbent—

(a) the burial ground shall be held subject to a right of way in the representative body, and the clergy and congregation attending the church, and such other persons as may resort thereto for the purpose of public or private worship, or of repairing the church, or for any other lawful purpose; and

(b) no funeral shall be allowed to take place during the usual time of the ordinary services in the church, and such other regulations shall be made by the Secretary of State as may be found necessary to prevent any interference, by persons attending funerals, with the clergy or congregation attending the church; and

(c) any road or path through the burial ground to the church shall be kept in good and sufficient repair by the authority; and

(d) where the use of part of the burial ground is required for the enlargement or repair of the church, it may be so used in any case where it might lawfully have been so used, and subject to the like conditions and restrictions, as if this Act had not been passed, and where used for the purpose

of the enlargement of the church the part so used shall thereupon vest in the representative body.

(4) Subject as aforesaid, every such burial ground shall after the determination of the incumbency of the existing incumbent be held for the same purposes and subject to the same rules and regulations as if the Burial Acts 1852 to 1906, were in force in the area of the authority by which the burial ground is to be administered and as if it were a burial ground provided under those Acts, and those Acts, so far as is consistent with the tenor thereof, and with the provisions of this Act, shall apply accordingly:

Provided that where any such burial ground is under this Act transferred to the chairman of the parish meeting and overseers of a rural parish the necessary steps shall forthwith be taken for the constitution of a burial authority for the parish.

25. Powers of vestries and churchwardens

(1) There shall be transferred to the council of every borough and urban district in Wales and Monmouthshire—

(a) the powers, duties, and liabilities of the vestry of every parish within the borough or urban district, except so far as they relate to the affairs of the church or to ecclesiastical charities;

(b) the powers, duties, and liabilities of the churchwardens of every such parish, except so far as they relate to the affairs of the church or to charities, or are powers and duties of overseers, but inclusive of the obligations of the churchwardens with respect to maintaining and repairing closed burial grounds wherever the expenses of such maintenance and repair are payable out of the poor rate under the Burial Act 1855, and the burial ground is not transferred to the representative body.

(2) The council of every such borough and urban district shall have the like powers and duties with regard to the appointment of overseers and the appointment and revocation of appointment of assistant overseers as are conferred on parish councils by section five of the M13 Local Government Act 1894, and that section shall apply accordingly:

Provided that paragraph (c) of subsection (2) of that section shall not, unless the Local Government Board otherwise direct, apply to any parish in any such borough or urban district, but the legal interest in all property referred to in the said paragraph, and with the exception therein mentioned, shall vest only in the overseers of the parish, subject to all trusts and liabilities affecting the same.

(3) Nothing in this section shall affect any order which may have been made by the Local Government Board under section thirty-three of the Local Government Act 1894.

26. Powers of incumbents with respect to property in which they have existing interest

During the continuance of the existing interest of the holder of any ecclesiastical office in the Church in Wales in any property, any power of sale, leasing, mortgaging, exchanging, or otherwise disposing of or dealing with that property exercisable by the holder of that office at the passing of this Act shall continue exercisable by him, but no such power shall be exercised by him—

(a) in the case of property transferred or to be transferred to the representative body, without the consent of that body; and

(b) in the case of property transferred or to be transferred to a county council, without the consent of the Welsh Commissioners so long as they continue to exist, and thereafter of the county council, or on appeal of the Board of Agriculture and Fisheries;

and such consent as aforesaid shall be substituted for any consents or approval which would have been required if this Act had not been passed:

Provided that where under the Acts in pursuance of which property is disposed of or dealt with the whole or any part of the proceeds of the consideration received for the sale, leasing, mortgage, exchange, disposal of or dealing with the property is payable to the Ecclesiastical Commissioners or Queen Anne's Bounty or the Board of Agriculture and Fisheries, or any other authority, it shall be paid to the representative body or the county council as the case may be, and shall, subject to the existing interest of the incumbent, become the property of that body or council.

27. Powers of management and sale

(1) The Welsh Commissioners, and any local authority shall, with respect to any property vested in them by or under this Act, have power to manage the property and, as incidental thereto, power to sell, lease, or exchange any part thereof; but any such power of sale, leasing, or exchange shall not be exercised by the Welsh Commissioners without the consent of the Treasury, or by a local authority without such consent as is by law required for the purposes of the sale, leasing, or exchange of land by that authority:

Provided that nothing in this section shall be construed as conferring a power on any authority to sell any part of a burial ground.

(2) The property transferred under this Act to the University of Wales shall not be reckoned as part of the property held by that university for the purposes of the limitation contained in the charter of the university on the amount of property which they are authorised to hold, and the university may, notwithstanding anything in that charter, hold and apply the property so transferred to them, and make any payments thereout required for preserving existing interests, in accordance with the provisions of this Act, and shall for that purpose have power to manage the property, and as incidental thereto to sell, lease, or exchange any part thereof; but no such power of sale, leasing, or exchange shall, whilst the university continues liable to make payments for the purpose of preserving existing interests, be exercised without the consent of the Treasury.

(3) As respects glebe and other land transferred to the representative body subject to the payment of the value thereof, the Welsh Commissioners may allow the whole or any part of the money payable by the representative body to remain on mortgage of the glebe or other land transferred, or may allow the payment to be made by instalments spread over such term of years as they may determine.

28. Supplemental provisions as to tithe rentcharge

(1) Nothing in this Act shall affect any liability to pay tithe rentcharge, or the liability of any lay impropriator of any tithe rentcharge to repair any ecclesiastical building, but a county council shall not, by reason of being entitled to or receiving any tithe rentcharge under this Act, be liable for the repair of any ecclesiastical building.

(2) Such liability as aforesaid of a lay impropriator may be enforced in the temporal courts at the instance of the represent-

ative body in like manner as if such liability arose under a covenant made with the representative body and running with the title rentcharge.

29. Delivery up of and access to books and documents

(1) The respective registrars of the diocesan or other registries, or any other officers having the possession or custody of any books or documents relating to any of the property vested in the Welsh Commissioners by this Act, and not in the possession or under the control of the Ecclesiastical Commissioners or of Queen Anne's Bounty, shall, within three months next after the date of disestablishment, deliver the same to the Welsh Commissioners.

(2) The Ecclesiastical Commissioners and Queen Anne's Bounty respectively shall deliver to the Welsh Commissioners any books or documents in their possession or under their control relating exclusively to the property vested in the Welsh Commissioners by this Act.

(3) The Welsh Commissioners shall give receipts for the books and documents so delivered to them and—

(a) shall, where any such books and documents relate exclusively to property transferred to any body under this Act, hand over those books and documents to that body; and

(b) shall, where any such books and documents relate to property transferred under this Act partly to one body, and partly to another body hand over those books and documents to such one of those bodies as the Welsh Commissioners think fit; and

(c) may hand over to any person, authority, or body any such books and documents other than aforesaid, which they think ought to be placed under the control of that person, authority, or body; and

(d) shall lodge in the National Library of Wales the residue of such books and documents when not required by the Welsh Commissioners for the execution of their duties under this Act.

(4) Where by virtue of this section any books and documents are handed over to any body and relate also to property transferred to some other body, the body to whom those books and documents are handed over shall be under the same liability as respects the production and the delivery of copies of those books and documents as if they had given to that other body as incident to a conveyance on sale an acknowledgement in writing of the right of that other body to production of those books and documents and to delivery of copies thereof.

(5) Nothing in this section shall affect section seventeen of the M14 Local Government Act 1894, or apply to any books or documents in the possession or custody of the Board of Agriculture and Fisheries.

30. Borrowing powers

(1) The Welsh Commissioners may, with the consent of the Treasury, and upon such terms as the Treasury may approve, borrow such sums of money as they may think expedient for carrying into effect any provisions of this Act, and may give as security for the repayment of any sums so borrowed and the interest thereon any part of the property vested in them by this Act other than any property required by this Act to be transferred to the representative body, but shall determine as between the several parts of property so given as security the part or parts to be primarily liable for the several sums so borrowed.

(2) The National Debt Commissioners, if they think fit, may,

out of any money in their hands, advance to the Welsh Commissioners, with such guarantee as is by this Act authorised (but not otherwise), any money which by this Act the Welsh Commissioners are authorised to borrow.

(3) The Treasury may, if they think fit, guarantee the payment of the principal and interest of all or any part of any money borrowed by the Welsh Commissioners.

(4) Any security given by the Welsh Commissioners in pursuance of this Act shall be in such form, and may contain such powers of sale or otherwise, as the Treasury approve, and there shall be certified thereon, in such form and manner as the Treasury direct, any guarantee given by the Treasury.

(5) For giving effect to the guarantee aforesaid, the Treasury, in aid of any money applicable under this Act for payment of principal and interest for the time being accrued due in respect of any money borrowed by the Welsh Commissioners in pursuance of this Act, may cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for payment of the said principal and interest, or of any part thereof respectively.

(6) If any money is at any time issued out of the Consolidated Fund in pursuance of the guarantee aforesaid, the Treasury shall cause the same to be repaid to the Consolidated Fund out of the funds in the hands of the Welsh Commissioners or of their successors in title to the property given as security.

31. Accounts of Welsh Commissioners and audit

(1) At the end of every financial year accounts of the receipts and expenditure of the Welsh Commissioners, both of capital and of income, shall be made up in such form and with such particulars as the Treasury may direct, and shall be audited by the Comptroller and Auditor General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament, together with his report thereupon.

(2) It shall be lawful for the Welsh Commissioners to invest any money for the time being in their hands in accordance with regulations made by the Treasury in any securities which are for the time being authorised by Parliament as investments for savings banks funds.

32. Provisions as to vesting of stock and copyhold land

(1) Where any property vested in the Welsh Commissioners by this Act consists of stock within the meaning of the Trustee Act 1893 the Welsh Commissioners shall for the purpose of enabling such stock to be registered in their names have the right to transfer or call for the transfer of such stock in like manner as if a vesting order had been made for the purpose by the High Court under the Trustee Act 1893.

(2) Where any property vested in the Welsh Commissioners or the Ecclesiastical Commissioners or Queen Anne's Bounty under this Act consists of copyhold land the Welsh Commissioners, the Ecclesiastical Commissioners, and Queen Anne's Bounty shall, as respects such land respectively, have the like powers as if they had been appointed by the court under section thirty-three of the Trustee Act 1893 to convey the land, and section thirty-four of that Act shall apply accordingly.

33. Provisions as to building charges

(1) As respects the charges on the emoluments of ecclesiastical offices in the Church in Wales created in favour of Queen Anne's Bounty under the Clergy Residences Repair Act

1776, the Pluralities Act 1838, the Ecclesiastical Dilapidations Act 1871, the Ecclesiastical Commissioners Act 1836, or the M20 Ecclesiastical Commissioners Act 1840 as amended or extended by any subsequent enactment, which are subsisting at the passing of this Act, Queen Anne's Bounty shall, as soon as may be after the passing of this Act, ascertain and by order declare which of those charges were created for securing money raised for the purpose of property to be transferred to a county council, and where raised partly for the purpose of such property and partly for the purpose of other property may by their order make such apportionment as may be necessary.

(2) On the determination of the existing interest of the holder of any such ecclesiastical office in the emoluments of his office, the charge comprised in such an order as aforesaid, or the apportioned part thereof, shall become a charge on the property for the purposes to which the money was raised, and on the county fund of the county to which the property is transferred, and all other property shall be exonerated therefrom. In other cases the charge shall on such determination become a charge on the property for the time being vested in the representative body, and all other property shall be exonerated therefrom.

(3) Orders of Queen Anne's Bounty under this section shall be made with the concurrence of the Welsh Commissioners or, in default of such concurrence, with the approval of His Majesty the King in Council given on the advice of the Judicial Committee of the Privy Council.

(4) Nothing in this Act shall affect any such charge as aforesaid whilst the existing interest of the holder of the ecclesiastical office in the emoluments of his office continues.

34. Power to settle differences and make adjustments

The Welsh Commissioners shall have power to decide any question arising under this Act between different local authorities, and to make any adjustment of rights or liabilities incidental to the distribution of property under this Act among such local authorities.

35. Adjustment of debts and liabilities

(1) The authorities interested (including the Welsh Commissioners, the Ecclesiastical Commissioners, Queen Anne's Bounty, the representative body, the University of Wales, and any local authority) may make agreements for adjusting or apportioning any property, income, debts, liabilities, and expenses, so far as affected by this Act, or by any scheme or order under this Act, of the parties to the agreement.

(2) The agreement may provide for the transfer or retention of any property, debts, or liabilities, with or without any conditions and for the joint use of any property, and for payment by either party to the agreement in respect of property, debts, or liabilities so transferred or retained, or of joint user, or in respect of the salary or remuneration of any officer or person.

(3) The power to make such agreements shall, in the case where parts of property subject to a charge are under this Act transferred to different bodies, include a power for the Welsh Commissioners and the representative body to agree as to the body by which or the proportions in which the several bodies are as between themselves to be liable for the charge, but nothing in such an agreement shall prejudice the right of any such person to any such charge or any charge under statute or otherwise for the recovery thereof or any part thereof.

(4) In default of agreement, and as far as any such agreement does not extend, any adjustment required for the purposes of this Act shall be referred to arbitration.

36. Arbitration

Any arbitration under this Act shall be conducted in accordance with the Arbitration Act 1950 and the arbitrator shall have power to disallow as to costs in the arbitration the costs of any witness whom he may consider to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily, and his award may provide for any matter for which an agreement under the last foregoing section might have provided.

38. Interpretation

(1) In this Act, unless the context otherwise requires,—

The expression «existing» means existing at the passing of this Act:

The expression «ecclesiastical office» means any bishopric, ecclesiastical dignity, or preferment within the meaning of the Church Discipline Act 1840 and includes any lay office in connection therewith, or in connection with any cathedral corporation:

The expression «cathedral corporation» means any dean and chapter, and also any corporation of minor canons, or vicars choral, or any other subordinate corporation of or belonging to or connected with any cathedral or collegiate church in Wales:

The expression «ecclesiastical person» means a bishop and the holder of any ecclesiastical office who is in holy orders:

The expression «parochial benefice» has the same meaning as «benefice» in the Incumbents Resignation Act 1871:

The expression «right of patronage» includes any advowson, right of presentation, or right of nomination to an ecclesiastical office:

The expression «synod» includes any assembly or convention:

The expression «property» includes all property, real and personal, including things in action and rights of action; and where any property is held in trust for or for the benefit of the holder of any ecclesiastical office as such, or for any cathedral or ecclesiastical corporation, that property shall be deemed for the purposes of this Act to belong to that office or corporation; and the burial ground of any ecclesiastical parish shall, unless provided under the Burial Acts 1852 to 1906 or the Public Health (Interments) Act 1879 or otherwise vested in any local or other public authority, be deemed for the purposes of this Act to be property belonging to an ecclesiastical office in the Church in Wales:

The expression «church» includes cathedral and other churches, chapels of ease, and other public chapels of the Church in Wales and in the case of a cathedral church includes the chapter house and cloisters and other precincts of the cathedral church:

The expression «ecclesiastical residence» means any parsonage house and any house of residence provided for an assistant curate and any house of residence of any bishop or member or officer of a cathedral corporation and any offices belonging thereto:

The expression «house» includes any curtilage or garden appurtenant to or usually occupied with the house:

The expression «burial authority» means any burial board and any council, committee, or other local authority having the powers and duties of a burial board under the Burial Acts 1852 to 1906 and any local authority (other than a rural district council) maintaining a cemetery under the M25 Public Health (Interments) Act 1879, or under any local Act:

The expression «tithe rentcharge» includes all payments in lieu of or in the nature of tithes or tithe rentcharge:

The expressions «first fruits» and «tenths» include any sums payable in lieu of first fruits and tenths, but annual sums in lieu of first fruits payable at such times and in such manner as tenths are payable shall be treated as included in the expression «tenths»:

The expression «county» includes a county borough, and the expression «county council» includes the council of a county borough, and «county fund» in relation to a county borough means the borough fund or borough rate.

(2) Property shall not for the purposes of this Act be deemed to be situate in Wales or Monmouthshire by reason only of being invested in the stocks, funds, or securities of any company owning property so situate.

(3) In all enactments, deeds, and other documents in which mention is made of the Church of England, the enactments and provisions relating thereto shall be construed as including the Church in Wales, but as to that Church subject to the provisions of this Act.

(4) For removing doubts it is hereby declared that the Principal or other member of Jesus College, Oxford, who may from time to time be rector of Llandyssil, shall as such be treated as a lay improprator and not as the holder of an ecclesiastical office.

39. Short title

This Act may be cited as the Welsh Church Act 1914.

SCHEDULES

FIRST SCHEDULE

PART I

Property vested in the Ecclesiastical Commissioners which is to be deemed Welsh Ecclesiastical Property

(1) Property which does not belong to and is not appropriated to the use of any ecclesiastical office or cathedral corporation, but which is, or is the produce of, or is or has been derived from, property which became vested in the Ecclesiastical Commissioners before the passing of this Act, and which immediately before becoming so vested belonged to or was appropriated to the use of an ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such.

Any property situate in, or issuing out of property situate in, Wales or Monmouthshire which has been purchased by the Ecclesiastical Commissioners shall be deemed to have been purchased with the proceeds of sale of and so derived from property which immediately before being vested in the Ecclesiastical Commissioners belonged to an ecclesiastical office or cathedral corporation in the Church in Wales, and the produce of such last-mentioned property shall be taken as having been diminished by the amount expended by the Ecclesiastical Commissioners on such purchases.

(2) Property which belongs to, or is appropriated to the use of, any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such, and which is or has been derived from sources other than grants made by the Ecclesiastical Commissioners.

PART II

Adjustments

(1) The Ecclesiastical Commissioners shall exchange such property comprised in paragraph (1) of Part I. of this Sched-

ule as is property situate elsewhere than in Wales or Monmouthshire, or is property issuing out of property so situate, for all property vested in them which is situate in, or issues out of property situate in, Wales or Monmouthshire, and which became vested in the Ecclesiastical Commissioners before the passing of this Act, and which immediately before becoming so vested belonged to or was appropriated to the use of any ecclesiastical office or cathedral corporation other than an ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such, and shall deduct from the property comprised in paragraph (1) of Part I. of this Schedule such sum of money as the Commissioners may ascertain and by order declare to be due by way of equality of exchange. Provided that if the money and securities comprised in paragraph (1) of Part I. of this Schedule are less than the sum to be deducted, the Ecclesiastical Commissioners shall be entitled to a charge on the property transferred for the balance with interest at the rate of four per cent. per annum.

(2) There shall be charged on the property mentioned in paragraph (1) of Part I. of this Schedule, subject to such adjustment as aforesaid so far as it is able to bear them, and so long as they continue payable, the sums before the date of disestablishment payable by the Ecclesiastical Commissioners out of their common fund for ecclesiastical purposes in the Church in Wales other than the augmentation or endowment of parochial benefices or towards the stipends of assistant clergy, and the common fund of the Ecclesiastical Commissioners shall be exonerated from the liability to make such payments except so far as such property as aforesaid is not able to bear them.

SECOND SCHEDULE

Section 5 (2)

Property vested in Queen Anne's Bounty which is to be deemed Welsh Ecclesiastical Property

Property which belongs to or is appropriated to the use of any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such, except, in the case of any such property which consists of, or is the produce of, or is or has been derived from grants made by Queen Anne's Bounty out of the Royal Bounty Fund such part thereof as has been derived from sources other than Welsh sources.

Two-thirds of each grant made by Queen Anne's Bounty out of the Royal Bounty Fund, shall, for the purposes of this Schedule, be deemed to have been derived from sources other than Welsh sources.

THIRD SCHEDULE

PART I

Property which may be transferred by the Ecclesiastical Commissioners to the Representative Body

Property vested in the Ecclesiastical Commissioners which has by them been before the date of disestablishment] annexed or appropriated to any ecclesiastical office or cathedral corporation in the Church in Wales by way of grant, or is the produce of, or is or has been derived from, property so annexed or appropriated and which is not Welsh ecclesiastical property within the meaning of this Act.

PART II

Property which may be transferred by Queen Anne's Bounty to the Representative Body

Property vested in Queen Anne's Bounty which has by them been before the passing of this Act annexed or appropriated to any ecclesiastical office or cathedral corporation in the Church in Wales by way of grant, or is the produce of, or is or has been derived from, property so annexed or appropriated, and which is not Welsh ecclesiastical property within the meaning of this Act.

PART III

Property a Perpetual Annuity of the Annual Value of which may be charged on the Common Fund of the Ecclesiastical Commissioners

(1) Charges on the common fund of the Ecclesiastical Commissioners made before the date of disestablishment] by way of grant for any ecclesiastical purpose in the Church in Wales, not being charges in respect of the property mentioned in Part I. of this Schedule and not being Welsh ecclesiastical property within the meaning of this Act.

(2) A sum equal to the difference between the aggregate annual amount of the sums mentioned in paragraph (2) of Part II. of the First Schedule to this Act, and the annual value of the property mentioned in paragraph (1) of Part I. of that Schedule.

PART IV

Limit of Amount which may be granted in any Year by the Ecclesiastical Commissioners to the Representative Body

A sum equal to the average amount granted by the Ecclesiastical Commissioners out of the annual appropriations from the surplus income of their common fund during the seven years ended the thirty-first day of October nineteen hundred and eleven by way of augmentation or endowment of benefices or towards the stipends of assistant clergy in Wales or Monmouthshire.

FOURTH SCHEDULE

Section 18 (b)

Method of Calculating Existing Interests for purposes of Commutation

(1) The value of the existing interest of the holder of an ecclesiastical office in any property shall be taken to be the value as on the first day of January nineteen hundred and thirteen of an annuity payable half-yearly, commencing on that date during the life of the person who was at that date holder of the office, of an amount equal to the annual value of the interest.

(2) In determining the value of such annuity as aforesaid, interest shall be calculated at the rate of three and a half per cent. per annum, and the tables to be used shall be the Tables of Mortality of Government Life Annuitants (1912), subject, however, to such allowance as may be determined, in default of agreement between the Welsh Commissioners and the representative body, by an actuary appointed by the Judicial Committee of the Privy Council, after giving the par-

ties, if they desire it, an opportunity of being heard, to be the proper allowance to be made on account of the greater longevity of the clergy as compared with other classes of the community, and on account of any prospective decrease in the death rate.

(3) The annual value of the interest shall be taken to be—

- (a) if the interest is an interest in specific property, the annual income derived from that property; and
- (b) if the interest consists of a right to receive a fixed annual sum, the amount of that sum,

after deducting any tenths payable by the holder of the ecclesiastical office.

(4) The annual income derived from property shall be taken to be—

- (a) in the case of tithe rentcharge, the amount of the tithe rentcharge according to the septennial average in force at the date of disestablishment, after deducting two and one-half per centum on account of the cost of collection, and the average amount paid during the three years preceding the passing of this Act on account of rates and land tax;
- (b) in the case of land which is at the date of disestablishment subject to a contract of tenancy, the annual amount payable by way of rent under the contract by the tenant after deducting the amount of any fixed charges on the land and land tax (unless borne by the tenant) and, except where the contract is a repairing lease, after deducting nine per centum on account of repairs and other outgoings: Provided that, if in any case the representative body so require, the annual income shall be taken to be—

- (i) where the contract is a building lease of which less than sixty years remain unexpired, such amount as, in default of agreement, may be determined by arbitration having regard to the then present value of the reversion expectant on the determination of the lease; and
- (ii) where the contract is a mining lease, such amount as, in default of agreement, may be determined by arbitration; and
- (iii) where the contract is not a building or a mining lease, one twenty-fifth of the gross value of the land as determined for the purposes of Part I. of the M1 Finance (1909–10) Act 1910;

(c) in the case of land which, at the date of disestablishment, is not subject to a contract of tenancy, the annual value of the land as ascertained at that date for the purposes of Schedule A. of the Income Tax Acts, after deducting the amount of any fixed charges on the land:

Provided that, if in any case the representative body so require, the annual income shall be taken to be one twenty-fifth of the gross value of the land as determined for the purposes of Part I. of the Finance (1909–10) Act 1910.

(5) For the purposes of this Schedule—

The expression «fixed charge» has the same meaning as in the Finance (1909–10) Act 1910;

The expressions «building lease» and «mining lease» have the same meanings as in the Settled Land Act 1882;

The expression «repairing lease» means a lease under which the tenant undertakes to bear the cost of repairs;

The expression «contract of tenancy» means a letting of or agreement for letting land for a term of years, or for lives, or for lives and years, or from year to year.

FIFTH SCHEDULE

Section 18 (e)

Method of calculating Annuity to which Holder of an Ecclesiastical Office is entitled in lieu of Existing Interest which has been Commuted

(1) The annuity shall be an amount equal—

(a) if the interest is an interest in specific property, to the annual income derived from that property; and

(b) if the interest consists of a right to receive a fixed sum, to the amount of that sum;

after deducting any tenths payable by the holder of the ecclesiastical office.

(2) The annual income derived from property shall be taken to be—

(a) in the case of tithe rentcharge, the amount of tithe rentcharge according to the septennial average in force at the date of disestablishment, after deducting the average amount paid during the three years preceding the passing of this Act on account of the cost of collection and of rates and land tax;

(b) in the case of land which is, at the date of disestablishment, subject to a contract of tenancy, the annual amount payable by way of rent under the contract by the tenant, after deducting the amount of any fixed charges on the land and land tax (unless borne by the tenant), and, except where the contract is a repairing lease, after deducting, on account of repairs and other outgoings, twelve and a half per cent. if the land comprises houses or farm building, and five per cent. in other cases:

Provided that, if the holder of the ecclesiastical office so requires, in any case where some amount other than the rent was taken to be the annual income for the purpose of determining the amount to be paid by the Welsh Commissioners to the representative body, that other amount shall be taken to be the annual income derived from the property;

(c) In the case of land which, at the date of disestablishment, is not subject to a contract of tenancy, the annual value of the land as ascertained at that date for the purposes of Schedule A. of the Income Tax Acts, after deducting the amount of any fixed charges;

Provided that, if the holder of the ecclesiastical office so requires, the annual income shall be taken to be one twenty-fifth of the gross value of the land as determined for the purposes of Part I. of the M4 Finance (1909–10) Act 1910 in any case where the annual income was so assessed for the purpose of determining the amount to be paid by the Welsh Commissioners to the representative body.

(3) Expressions in this Schedule have the same meanings as in the Fourth Schedule.

The Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 (No. 3711 (W.307))

Made 15th November 2001

Coming into force 14th December 2001

Introductory Text

Main body

1. Citation, commencement and application
 2. Interpretation
 3. Alternative arrangements
 4. Requirement for education overview and scrutiny committees to include parent governor representatives
 5. Election procedures and vacancies
 6. Eligibility to vote in elections and voting requirements
 7. Qualifications for election as a parent governor representative
 8. Disqualification from continuing to hold office as a parent governor representative
 9. Term of office
 10. Voting rights of parent governor representatives
 11. Church representatives
 12. Revocation and Transitional Provisions
 13. {- In this regulation «a 1999 Representative» means a representative of parent governors - elect...}
 14. Amendment of the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001
- Signatures
End Matter

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by sections 32, 105(2) and 106(1) & (2) of, and paragraphs 9(4), (5) and (6) of Schedule 1 to, the Local Government Act 2000 F1, and in exercise of the powers conferred on the Secretary of State by sections 499 and 569(4) and (5) of the Education Act 1996 F2 and now vested in the National Assembly for Wales :

Citation, commencement and application

1. — (1) These Regulations are called the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001.

(2) They come into force on 14th December 2001.

(3) They apply only to Wales.

Interpretation

2. In these Regulations, unless the context otherwise requires:

«the 1998 Act»(«Deddf 1998») means the School Standards and Framework Act 1998;

«the 1999 Regulations»(«Rheoliadau 1999») means the Education (Parent Governor Representatives) (Wales) Regulations 1999

«the 2000 Act»(«Deddf 2000») means the Local Government Act 2000;

«alternative arrangements»(«trefniadau amgen») has the meaning given to it by section 32 of the 2000 Act;

«the date of the election»(«dyddiad yr etholiad») , in relation to an election in which votes can be cast on more than one date, means the last date on which votes can be cast or postal votes received;

«education overview and scrutiny committee»(«pwyllgor trosolygu a chraffu addysg») means —

(a) an overview and scrutiny committee or sub-committee of a local education authority appointed under section 21 of the 2000 Act the functions of which relate wholly or partly to any education functions which are the responsibility of the authority's executive; or

(b) a committee or sub-committee of a local education authority appointed in accordance with provision included in alternative arrangements by virtue of section 32(1) (b) of

the 2000 Act (arrangements for the appointment of committees or sub-committees to review or scrutinise decisions made, or other action taken, in connection with the discharge of functions of the authority) the functions of which relate wholly or partly to any education functions which are the responsibility of the authority;

«executive»(«gweithrediaeth») has the meaning given to it by section 11 of the 2000 Act;

«executive arrangements»(«trefniadau gweithrediaeth») has the meaning given to it by section 10 of the 2000 Act;

«local education authority»(«awdurdod addysg lleol») means a local education authority in Wales;

«parent governor»(«rhiant-lywodraethwr») means —

(a) a person who is —

- (i) elected as a member of a school's governing body by parents of registered pupils at the school; and
- (ii) a parent of such a pupil at the time when he or she is elected; or

(b) a person who is appointed as a parent governor by the governing body in accordance with regulations under the 1998 Act; or

(c) a person who continues as a parent governor for the purposes of the reconstitution of the governing body on transition to the new schools framework by virtue of regulations under Part II of the 1998 Act;

«parent governor representative»(«cynrychiolydd rhiant-lywodraethwyr») means a person elected in accordance with regulations 5 to 7 or treated in accordance with regulation 11 as so elected;

«school»(«ysgol») has the meaning given to «maintained school» by section 20(7) of the 1998 Act;

«voting by category arrangements»(«trefniadau pleidleisio yn ôl categori») means arrangements of a kind referred to in regulation 5(2) .

Alternative arrangements

3. — (1) The provisions of these Regulations are specified as alternative arrangements for the purposes of Part II of the 2000 Act in addition to the alternative arrangements specified in the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001 .

(2) To the extent that any provision of those Regulations is inconsistent with any provision of these Regulations, the provision in these Regulations shall prevail.

Requirement for education overview and scrutiny committees to include parent governor representatives

4. Subject to regulation 13, a local education authority must appoint at least two but not more than five parent governor representatives, elected in accordance with regulation 5, to each of their education overview and scrutiny committees.

Election procedures and vacancies

5. — (1) Subject to these Regulations, a local education authority shall make all the necessary arrangements for, and determine all other matters relating to, the holding of an election of a parent governor representative, but nothing in this

regulation shall prevent an authority from appointing another body to conduct or oversee that election.

(2) A local education authority may make arrangements dividing parent governor representatives into different categories representing either —

- (a) a particular type of school or particular types of school, or
- (b) schools in a particular geographical area, and restricting the electorate for each such category to parent governors of the same type or types of school or parent governors of schools in that area.

(3) Where a vacancy for a parent governor representative is required to be filled by election the local education authority shall announce that vacancy within three months of the vacancy occurring and at the time of that announcement shall —

- (a) appoint a returning officer who shall ensure that so far as possible the election is conducted fairly; and
- (b) take such steps as are reasonably practicable to ensure that every person who is known to them to be eligible to vote in the election of a parent governor representative (in accordance with regulation 6) is —

- (i) informed of the vacancy and that it is required to be filled by election;
- (ii) informed that he or she is entitled to vote at the election and is given an explanation of the voting procedures in regulation 6(2) to 6(6) (as applicable) ;
- (iii) informed of the details of the electoral timetable and procedures;
- (iv) informed of the qualifications which a person requires (under regulation 7) in order to be elected as a parent governor representative, and of the term of office of a parent governor representative (under regulation 9) ; and
- (v) provided with a description of the role of a parent governor representative.

(4) Any election of a parent governor representative which is contested must be held by secret ballot.

(5) No ballot paper in such an election shall contain any indication of an affiliation with a political party.

(6) Where a vacancy for a parent governor representative arises, the local education authority shall —

- (a) determine, for the purposes of the election, any question as to a person's entitlement to vote or eligibility to stand for election;
- (b) provide for every person who is eligible to vote in the election to have an opportunity to do so by post;
- (c) secure that the results of the election are announced not more than one week after the date of the election.

(7) Subject to paragraph (8) , where there is a vacancy for a parent governor representative, the local education authority must ensure that an election is held in time to fill the vacancy not later than six months after the date on which the vacancy occurred.

(8) Where a vacancy for a parent governor representative is unfilled because no, or not enough, candidates seek election, the local education authority must comply with the requirements of this regulation again within one year of the original vacancy having arisen and at six monthly intervals thereafter, calculated from the first anniversary of the original vacancy having arisen, until the vacancy is filled.

(9) Nothing in these Regulations shall require a ballot to

be held if the number of vacancies to be filled is equal to or exceeds the number of candidates for election.

Eligibility to vote in elections and voting requirements

6. — (1) Subject to paragraphs (2) and (3), a person shall be eligible to vote in the election of a parent governor representative if that person is at the date of the election a parent governor of one or more schools maintained by the local education authority holding the election.

(2) Where, under voting by category arrangements, voting for a particular category of parent governor representative is restricted to parent governors of a particular type or particular types of school maintained by the authority, a person shall only be eligible to vote in the election of such a category of parent governor representative if at the date of the election he or she is a parent governor of one or more schools of that type or those types maintained by the authority.

(3) Where, under such arrangements, voting for a particular category of parent governor representative is restricted to parent governors of schools maintained by the authority in a particular geographical area, a person shall only be eligible to vote in the election of such a category of parent governor representative if at the date of the election he or she is a parent governor of one or more schools in that geographical area maintained by the authority.

(4) Where the authority have not made voting by category arrangements, a person who, at the date of the election, is a parent governor of more than one school maintained by the authority, shall be entitled to cast a number of votes equal to the number of such schools of which he or she is, at the date of the election, a parent governor.

(5) Where the authority have made voting by category arrangements, a person who, by virtue of paragraph (2) or (3), is eligible to vote in the election of more than one category of parent governor representative (because he or she is a parent governor of more than one type of school or of schools within more than one geographical area, as the case may be) shall be entitled to vote in the election of each such category in which he or she is so eligible.

(6) The number of votes which such a person shall be entitled to cast in the election of each such category of parent governor representative in which he or she is eligible to vote shall be a number equal to the number of schools maintained by the authority of which he or she is, at the date of the election, an eligible parent governor.

(7) In paragraph (6) «eligible parent governor» («rhiantlywodraethwr cymwys») means a parent governor who is eligible in accordance with paragraph (2) or (3) (as the case may be) and paragraph (5) to vote in the election of the category of parent governor representative in question.

Qualifications for election as a parent governor representative

7. — (1) Subject to the following provisions of this regulation, a person shall, unless disqualified under any enactment, be qualified to be elected as a parent governor representative in an election held by a local education authority if on the date of the election he or she is —

- (a) a parent governor of a school maintained by that authority; and
- (b) the parent of a registered pupil who is educated at a school maintained by that authority, or who is educated by that authority otherwise than at a school.

(2) Where the vacancy is for a parent governor representative to represent a particular type or particular types of school, a person shall only be qualified to be elected if in addition to satisfying the requirements of paragraphs (1) (a) and (1) (b) that person is also a parent governor of a school of that type or one of those types.

(3) Where the vacancy is for a parent governor representative to represent schools in a particular geographical area, a person shall only be qualified to be elected if in addition to satisfying the requirements of paragraphs (1) (a) and (1) (b) that person is also a parent governor of a school in that area.

(4) A person who is already a member of the local education authority holding the election shall be disqualified from being elected as a parent governor representative.

(5) A person who is a teacher at, or is otherwise employed in, a school maintained by the local education authority holding the election, or a pupil referral unit or nursery school maintained by that authority, shall be disqualified from being elected as a parent governor representative.

(6) A person who is employed by the local education authority holding the election, and whose employment relates wholly or partly to the education functions of that authority, shall be disqualified from being elected as a parent governor representative.

(7) A person is not qualified for election as a parent governor representative of an education overview and scrutiny committee of a local education authority if that person is at the date of the election already holding office as a parent governor representative on an education overview and scrutiny committee of that authority or any other authority.

Disqualification from continuing to hold office as a parent governor representative

8. — (1) A parent governor representative who qualified for election under these Regulations shall cease to be qualified to hold that office upon —

- (a) resigning or being disqualified from the office of parent governor under any enactment; or
- (b) subject to paragraphs (2) and (3), ceasing to be a parent governor at a school which is maintained by the local education authority concerned, otherwise than by reason of —
 - (i) his or her term of office as a parent governor of such a school having expired; or
 - (ii) a change in the constitution of the governing body of the school at which he or she was a parent governor.

(2) A parent governor representative who qualified for election under voting by category arrangements as a parent governor representative to represent schools of a particular type or particular types shall cease to be qualified to hold that office if he or she no longer holds any parent governorship which qualified or would have qualified him or her to be elected as a parent governor representative for any reason other than those referred to in paragraph (1) (b).

(3) A parent governor representative who qualified for election under voting by category arrangements as a parent governor representative to represent schools in a particular geographical area shall cease to be qualified to hold that office if he or she no longer holds any parent governorship which qualified or would have qualified him or her to be elected as a parent governor representative for any reason other than those referred to in paragraph (1) (b).

(4) A parent governor representative shall cease to be qual-

ified to hold that office if he or she is elected as a member of the local education authority concerned.

(5) A parent governor representative shall cease to be qualified to hold that office if he or she takes up employment —

- (a) whether as a teacher or otherwise, in a school maintained by the local education authority concerned or a pupil referral unit or nursery school maintained by that authority, or
- (b) with the local education authority and his or her employment relates wholly or partly to the education functions of that authority.

(6) A parent governor representative who has failed to attend the meetings of an education overview and scrutiny committee of which he or she is a member for a continuous period of six months beginning with the date of a meeting shall, on the expiry of that period, cease to be qualified to hold that office.

(7) For the purposes of paragraph (6), a parent governor representative shall not be taken to have failed to attend a meeting of an education overview and scrutiny committee if he or she has tendered an apology for his or her absence and that apology has been accepted by the committee.

Term of office

9. — (1) Subject to paragraph (2) below and regulation 13 (transitional provisions), the term of office of a parent governor representative on an education overview and scrutiny committee —

- (a) shall begin on such date as the local education authority shall determine, being a date not more than one month after the date of the announcement of the result of the election in which he or she has been elected, and
- (b) shall be of such duration as the local education authority shall determine, being a period not less than two years nor greater than four years.

(2) Where a parent governor representative does not complete his or her term of office, the local education authority may appoint a successor for the unexpired portion of the previous term of office.

Voting rights of parent governor representatives

10. A parent governor representative shall be entitled to vote at a meeting of an education overview and scrutiny committee of which he or she is a member on any question which —

- (a) relates to any education functions which are the responsibility of the local education authority concerned, and
- (b) falls to be considered at the meeting.

Church representatives

11. — (1) This regulation applies to a committee of a local education authority appointed in accordance with provision included in alternative arrangements by virtue of section 32(1) (b) (referred to below in this regulation as an education overview and scrutiny committee) if the committee's functions relate wholly or partly to any education functions which are the responsibility of the authority.

(2) This regulation also applies to a sub-committee of an education overview and scrutiny committee of an authority if

the sub-committee's functions relate wholly or partly to any education functions which are the responsibility of the authority.

(3) An education overview and scrutiny committee or sub-committee to which this regulation applies must include one or more persons appointed as representatives of the persons who appoint foundation governors for the schools which are maintained by the authority concerned and which are specified in directions made by the National Assembly for Wales as schools which have a character connected with a particular religion, or particular religious denomination, specified in the directions.

(4) Paragraph (3) does not apply if there are no schools which are maintained by the authority concerned and which are specified in directions under that paragraph.

(5) A member of an education overview and scrutiny committee or sub-committee appointed by virtue of paragraph (3) is to be entitled to vote at a meeting of the committee or sub-committee on any question —

- (a) which relates to any education functions which are the responsibility of the authority concerned, and
- (b) which falls to be decided at the meeting.

(6) The National Assembly for Wales may by directions to a local education authority require any of the authority's education overview and scrutiny committees or sub-committees to which this regulation applies to include persons who are appointed, in accordance with the directions, as representatives of the persons who appoint foundation governors for such of the schools which are maintained by the authority concerned and which are not specified in directions under paragraph (3) as may be specified in directions under this paragraph.

(7) Directions under paragraph (6) may make provision with respect to the voting rights of persons appointed in accordance with such directions.

Revocation and Transitional Provisions

12. — (1) The 1999 Regulations are hereby revoked.

(2) The revocation of the 1999 Regulations shall not invalidate the appointment of parent governor representatives to a relevant committee (within the meaning of the 1999 Regulations).

(3) Until a local education authority operates executive arrangements or alternative arrangements these Regulations shall have effect in relation to that authority as if —

- (a) references to an «education overview and scrutiny committee» were references to a relevant committee (within the meaning of the 1999 Regulations), and
- (b) the reference in regulation 10 to «the executive of the local education authority concerned» was a reference to «the authority concerned».

13. — (1) In this regulation «a 1999 Representative» means a representative of parent governors —

- (a) elected and appointed to a relevant committee (within the meaning of the 1999 Regulations) of a local authority pursuant to the 1999 Regulations,
- (b) whose term of office, calculated in accordance with the 1999 Regulations, has not expired on the date on which that authority establishes an education overview and scrutiny committee.

(2) Subject to paragraph (3), on the establishment by a local education authority of an education overview and scrutiny committee, a 1999 Representative shall be treated as having

been appointed to that education overview and scrutiny committee.

(3) A 1999 Representative who is treated as having been appointed to an education overview and scrutiny committee in accordance with paragraph (2) shall continue in office until the expiry of his or her original term of office as a member of the relevant committee (within the meaning of the 1999 Regulations).

(4) Nothing in paragraph (3) shall prevent a 1999 Representative from being disqualified, by virtue of provision made under these Regulations, from continuing to hold office.

Amendment of the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001

14. — (1) In regulation 2 of the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001 in the definition of «alternative arrangements» after «regulation 4» insert

«or the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001».

(2) For regulation 4(3) of those Regulations substitute the following:

«(3) Subject to paragraph (4), the arrangements set out in these Regulations and the arrangements set out in the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 are specified as alternative arrangements for the purposes of Part II of the 2000 Act.

(4) To the extent that any provision of these Regulations is inconsistent with any provision of the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001, the provision in those latter Regulations shall prevail.».

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

John Marek

The Deputy Presiding Officer of the National Assembly
15th November 2001

VI.3. ESCOCIA

VI.3.1. LEGISLACIÓN

Church of Scotland Courts Act 1863 C.47
E+W+S+N.I.

Episcopal Church (Scotland) Act 1864 C.94
E+W+S+N.I.

Church Patronage (Scotland) Act 1874
c.82 37_and_38_Vict

Protestant Religion and Presbyterian Church Act 1707 C. 6

Union with England Act 1707 C. 7

Church of Scotland Act 1921 C. 29
E+W+S+N.I.

Church of Scotland (Property And Endowments) Act 1925 C.33
E+W+S+N.I.

Church of Scotland (Property and Endowments)(Amendment) Act 1933
1933 c.44 23_and_24_Geo_5

Church of Scotland (Property and Endowments) (Amendment) Act 1957 C.30

Church of Scotland (Property and Endowments) Amendment Order Confirmation Act 1995 C.XI

The Church of Scotland (Property and Endowments) (Amendment) Act 1933 Order 2004 (No. 538)

Episcopal Church (Scotland) Act 1964 C.12
E+W+S

Lord High Commissioner (Church of Scotland) Act 1974 C.19
E+W+S+N.I.

Marriage (Scotland) Act 1977 C.15
Ámbito: E+W+S+N.I.

Marriage (Scotland) Act 20022002 Asp 8

Education (Scotland) Act 1980 C. 44
(Sólo se recogen las secciones 8, 9 y 10)

Prisons (Scotland) Act 1989 C. 45

Guidelines on Religious and moral Education
Scottish Office Education Department Working Paper No. 7:
May 1991

Charities and Trustee Investment (Scotland) Act 2005 Asp 10

The Charities and Trustee Investment (Scotland) Act 2005
(Consequential Provisions and Modifications) Order 2006
(No. 242 (S.2))

Family Law (Scotland) Act 2006 Asp 2

Scottish Schools (Parental Involvement) Act 2006 Asp 8

Protestant Religion and Presbyterian Church Act 1707 1707 c.6

Act for Securing the Protestant Religion and Presbyterian Church Government

Our Sovereign Lady and the Estates of Parliament considering that by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms It is provided that the Commissioners for that Treaty should not treat of or concerning any alteration of the Worship Discipline and Government of the Church of this Kingdom as now by Law established Which Treaty being now reported to the Parliament and it being reasonable and necessary that the true Protestant Religion as presently professed within this Kingdom with the Worship Discipline and Government of this Church should be effectually and unalterably secured Therefore Her Majesty with advice and consent of the said Estates of Parliament Doth here-

by Establish and Confirm the said true Protestant Religion and the Worship Discipline and Government of this Church to continue without any alteration to the people of this land in all succeeding generations And more especially Her Majestie with advice and consent foresaid Ratifies Approves and for ever Confirms the fifth Act of the first Parliament of King William and Queen Mary Entituled Act Ratifieing the Confession of Faith and settleing Presbyterian Church Government with the haill other Acts of Parliament relating thereto in prosecution of the Declaration of the Estates of this Kingdom containing the Claim of Right bearing date the eleventh of April Im vjc and eighty nine And Her Majesty with advice and consent foresaid expressly Provides and Declares that the foresaid true Protestant Religion contained in the above mentioned Confession of Faith with the form and purity of worship presently in use within this Church and it's Presbyterian Church Government and Discipline that is to say the Government of the Church by Kirk Sessions Presbyteries Provincial Synods and General Assemblies all established by the foresaid Acts of Parliament pursuant to the Claim of Right shall remain and continue unalterable And that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland And further for the greater security of the foresaid Protestant Religion and of the Worship Discipline and Government of this Church as above established Her Majesty with advice and consent foresaid Statutes and Ordains That the Universities and Colledges of Saint Andrews Glasgow Aberdeen and Edinburgh as now established by Law shall Continue with this Kingdom for ever . And further Her Majesty with advice foresaid expressly Declares and Statutes That none of the Subjects of this Kingdom shall be lyable to but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconsistent with the foresaid true Protestant Religion and Presbyterian Church Government Worship and Discipline as above established And that the same within the bounds of this Church and Kingdom shall never be imposed upon or required of them in any sort And Lastly That after the decease of her present Majesty (whom God long preserve) the Sovereign succeeding to her in the Royal Government of the Kingdom of Great Britain shall in all time comeing at his or her accession to the Crown Swear and Subscribe that they shall inviolably maintain and preserve the foresaid Settlement of the true Protestant Religion with the Government Worship Discipline Right and Priviledges of this Church as above established by the Laws of this Kingdom in prosecution of the Claim of Right And it is hereby Statute and Ordained That this Act of Parliament with the Establishment therein contained shall be held and observed in all time comeing as a fundamental and essential condition of any Treaty or Union to be concluded betwixt the two Kingdoms without any alteration thereof or derogation thereto in any sort for ever As also that this Act of Parliament and settlement therein contained shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the two Kingdoms And that the same shall be therein expressly Declared to be a fundamental and essential Condition of the said Treaty or Union in all time comeing

Union with England Act 1707 1707 c.7

Act Ratifying and Approving the Treaty of Union of the Two Kingdoms of SCOTLAND and ENGLAND

The Estates of Parliament Considering that Articles of Union of the Kingdoms of Scotland and England were agreed on the

twenty second of July One thousand seven hundred and six years by the Commissioners nominated on behalf of this Kingdom under Her Majesties Great Seal of Scotland bearing date the twenty seventh of February last past in pursuance of the fourth Act of the third Session of this Parliament and the Commissioners nominated on behalf of the Kingdom of England under Her Majesties Great Seal of England bearing date at Westminster the tenth day of April last past in pursuance of an Act of Parliament made in England the third year of Her Majesties Reign to treat of and concerning an Union of the said Kingdoms Which Articles were in all humility presented to Her Majesty upon the twenty third of the said Month of July and were Recommended to this Parliament by Her Majesties Royal Letter of the date the thirty one day of July One thousand seven hundred and six And that the said Estates of Parliament have agreed to and approven of the saids Articles of Union with some Additions and Explanations as is contained in the Articles hereafter insert And sicklyke Her Majesty with advice and consent of the Estates of Parliament Resolving to Establish the Protestant Religion and Presbyterian Church Government within this Kingdom has past in this Session of Parliament an Act entituled Act for secureing of the Protestant Religion and Presbyterian Church Government which by the Tenor thereof is appointed to be insert in any Act ratifying the Treaty and expressly declared to be a fundamentall and essentiall Condition of the said Treaty or Union in all time coming Therefore Her Majesty with advice and consent of the Estates of Parliament in fortification of the Approbation of the Articles as abovementioned And for their further and better Establishment of the same upon full and mature deliberation upon the forsaid Articles of Union and Act of Parliament Doth Ratifie Approve and Confirm the same with the Additions and Explanations contained in the saids Articles in manner and under the provision aftermentioned whereof the Tenor follows.

I. That the Two Kingdoms of Scotland and England shall upon the first day of May next ensuing the date hereof and forever after be United into One Kingdom by the Name of Great Britain And that the Ensigns Armorial of the said United Kingdom be such as Her Majesty shall appoint and the Crosses of St Andrew and St George be conjoined in such manner as Her Majesty shall think fit and used in all Flags Banners Standards and Ensigns both at Sea and Land

II. That the Succession to the Monarchy of the United Kingdom of Great Britain and of the Dominions thereunto belonging after Her Most Sacred Majesty and in default of Issue of Her Majesty be, remain and continue to the Most Excellent Princess Sophia Electoress and Dutchess Dowager of Hanover and the Heirs of Her body being Protestants upon whom the Crown of England is settled by an Act of Parliament made in England in the twelfth year of the Reign of His late Majesty King William the Third entituled An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject And that all Papists and persons marrying Papists shall be excluded from and for ever incapable to inherit possess or enjoy the Imperial Crown of Great Britain and the Dominions thereunto belonging or any part thereof And in every such case the Crown and Government shall from time to time descend to and be enjoyed by such person being a Protestant as should have inherited and enjoyed the same in case such Papists or person marrying a Papist was naturally dead according to the provision for the Descent of the Crown of England made by another Act of Parliament in England in the first year of the Reign of their late Majesties King William and Queen Mary entituled An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown

III. That the United Kingdom of Great Britain be Represented by one and the same Parliament to be stiled the Parliament of Great Britain

IV. That all the Subjects of the United Kingdom of Great Britain shall from and after the Union have full Freedom and Intercourse of Trade and Navigation to and from any port or place within the said United Kingdom and the Dominions and Plantations thereunto belonging And that there be a Communication of all other Rights Privileges and Advantages which do or may belong to the Subjects of either Kingdom except where it is otherwayes expressly agreed in these Articles

VI. That all parts of the United Kingdom for ever from and after the Union shall have the same Allowances Encouragements and Drawbacks and be under the same Prohibitions Restrictions and Regulations of Trade and lyable to the same Customs and Duties on Import and Export And that the Allowances Encouragements and Drawbacks Prohibitions Restrictions and Regulations of Trade and the Customs and Duties on Import and Export settled in England when the Union commences shall from and after the Union take place throughout the whole United

VII. That all parts of the United Kingdom be for ever from and after the Union lyable to the same Excises upon all Excisable Liquors

VIII.

Annotations:

Amendments (Textual)

Arts. 5, 8 repealed by Statute Law Revision (Scotland) Act 1906 (c. 38)

IX.

Annotations:

Amendments (Textual)

Art. 9 repealed by Statute Law Revision (Scotland) Act 1964 (c. 80), Sch. 1

X.-XV.

Annotations:

Amendments (Textual)

Arts. 10—15, 17 repealed by Statute Law Revision (Scotland) Act 1906 (c. 38)

XVI. That from and after the Union the Coin shall be of the same standard and value throughout the United Kingdom as now in

XVII.

Annotations:

Amendments (Textual)

Arts. 10—15, 17 repealed by Statute Law Revision (Scotland) Act 1906 (c. 38)

XVIII. That the Laws concerning Regulation of Trade, Customs and such Excises to which Scotland is by virtue of this Treaty to be lyable be the same in Scotland from and after the Union as in England and that all other Lawes in use within the Kingdom of Scotland do after the Union and notwithstanding thereof remain in the same force as before (except such as are contrary to or inconsistent with this Treaty) but alterable by the Parliament of Great Britain With this difference betwixt the Laws concerning publick Right, Policy and Civil Government and those which concern private Right That the Laws which concern publick Right Policy and Civil Government may be made the same throughout the whole United

Kingdom but that no alteration be made in Laws which concern private Right except for evident utility of the subjects within Scotland

XIX. That the Court of Session or Colledge of Justice do after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom and with the same Authority and Priviledges as before the Union subject nevertheless to such Regulations for the better Administration of Justice as shall be made by the Parliament of Great Britain And that hereafter none shall be named by Her Majesty or Her Royal Successors to be Ordinary Lords of Session but such who have served in the Colledge of Justice as Advocats or Principal Clerks of Session for the space of five years or as Writers to the Signet for the space of ten years With this provision That no Writer to the Signet be capable to be admitted a Lord of the Session unless he undergo a private and publick Tryal on the Civil Law before the Faculty of Advocats and be found by them qualified for the said Office two years before he be named to be a Lord of the Session yet so as the Qualifications made or to be made for capacitating persons to be named Ordinary Lords of Session may be altered by the Parliament of Great Britain And that the Court of Justiciary do also after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kindom and with the same Authority and Priviledges as before the Union subject nevertheless to such Regulations as shall be made by the Parliament of Great Britain and without prejudice of other Rights of Justiciary . . . F9 And that the Heritable Rights of Admiralty and Vice-Admiralties in Scotland be reserved to the respective Proprietors as Rights of Property subject nevertheless as to the manner of Exercising such Heritable Rights to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain And that all other Courts now in being within the Kingdom of Scotland do remain but subject to Alterations by the Parliament of Great Britain And that all Inferior Courts within the said Limits do remain subordinate as they are now to the Supream Courts of Justice within the same in all time coming And that no Causes in Scotland be cognoscible by the Courts of Chancery, Queens-Bench, Common-Pleas or any other Court in Westminster-hall And that the said Courts or any other of the like nature after the Unions shall have no power to Cognosce Review or Alter the Acts or Sentences of the Judicatures within Scotland or stop the Execution of the same

XX. That all heritable Offices, Superiorities, heritable Jurisdictions, Offices for life and Jurisdictions for life be reserved to the Owners thereof as Rights of Property in the same manner as they are now enjoyed by the Laws of Scotland notwithstanding of this Treaty

XXI. That the Rights and Priviledges of the Royall Burroughs in Scotland as they now are Do Remain entire after the Union and notwithstanding thereof

XXII.

Annotations:

Amendments (Textual)

F10 Art. 22 repealed by Statute Law Revision (Scotland) Act 1964 (c. 80), Sch. 1

XXIII.

That all Peers of Scotland and their successors to their Honours and Dignities shall from and after the Union be Peers of Great Britain and have Rank and Precedency next and immediately after the Peers of the like orders and degrees in

England at the time of the Union and before all Peers of Great Britain of the like orders and degrees who may be created after the Union² and shall Enjoy all Privileges of Peers as fully as the Peers of England do now or as they or any other Peers of Great Britain may hereafter Enjoy the same

XXIV. That from and after the Union there be One Great Seal for the United Kingdom of Great Britain which shall be different from the Great Seal now used in either Kingdom And that the Quartering the Arms and the Rank and Precedency of the Lyon King of Arms of the Kingdom of Scotland as may best suit the Union be left to Her Majesty And that in the mean time the Great Seal of England be used as the Great Seal of the United Kingdom and that the Great Seal of the United Kingdom be used for Sealing Writs to Elect and Summon the Parliament of Great Britain and for sealing all Treaties with Forreign Princes and States and all publick Acts Instruments and Orders of State which Concern the whole United Kingdom and in all other matters relating to England as the Great Seal of England is now used and that a Seal in Scotland after the Union be alwayes kept and made use of in all things relating to private Rights or Grants which have usually passed the Great Seal of Scotland and which only concern Offices, Grants, Commissions and private Rights within that Kingdom And that until such Seal shall be appointed by Her Majesty the present Great Seal of Scotland shall be used for such purposes and that the Privy Seal, Signet, Casset, Signet of the Justiciary Court, Quarter Seal and Seals of Courts now used in Scotland be Continued but that the said Seals be altered and adapted to the state of the Union as Her Majesty shall think fit And the said Seals and all of them and the Keepers of them shall be subject to such Regulations as the Parlaiment of Great Britain shall hereafter make And that the Crown, Scepter and Sword of State, the Records of Parliament and all other Records Rolls and Registers whatsoever both publick and private generall and particular and Warrands thereof Continue to be kepted as they are within that part of the United Kingdom now called Scotland and that they shall so remain in all time coming notwithstanding of the Union

XXV. That all Laws and Statutes in either Kingdom so far as they are contrary to or inconsistent with the Terms of these Articles or any of them shall from and after the Union cease and become void and shall be so declared to be by the respective Parliaments of the said Kingdoms

FOLLOWS the Tenor of the foresaid Act for securing the Protestant Religion and Presbyterian Church Government

Our Sovereign Lady and the Estates of Parliament considering That by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms It is provided That the Commissioners for that Treaty should not Treat of or concerning any alteration of the Worship Discipline and Government of the Church of this Kingdom as now by Law established Which Treaty being now reported to the Parliament and it being reasonable and necessary that the True Protestant Religion as presently professed within this Kingdom with the Worship Discipline and Government of this Church should be effectually and unalterably secured Therefore Her Majesty with advice and consent of the said Estates of Parliament Doth hereby Establish and Confirm the said True Protestant Religion and the Worship Discipline and Government of this Church to continue without any alteration to the people of this Land in all succeeding generations And more especially Her Majesty with advice and consent foresaid Ratifies Approves and for ever Confirms the fifth Act of the first Parliament of King William and Queen Mary Entituled Act Ratifying the Confession of Faith and settling Presbyterian Church Government with the

haill other Acts of Parliament relating thereto in prosecution of the Declaration of the Estates of this Kingdom containing the Claim of Right bearing date the eleventh of Aprile One thousand six hundred and eighty nine And Her Majesty with advice and consent foresaid expressly Provides and Declares That the foresaid True Protestant Religion contained in the above-mentioned Confession of Faith with the form and purity of Worship presently in use within this Church and its Presbyterian Church Government and Discipline that is to say the Government of the Church by Kirk Sessions, Presbyteries, Provincial Synods and Generall Assemblies all established by the foresaid Acts of Parliament pursuant to the Claim of Right shall Remain and Continue unalterable and that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland And further for the greater security of the foresaid Protestant Religion and of the Worship Discipline and Government of this Church as above established Her Majesty with advice and consent foresaid Statutes and Ordains That the Universities and Colledges of Saint Andrews Glasgow Aberdeen and Edinburgh as now Established by Law shall Continue within this Kingdom for ever . . . F13 And further Her Majesty with advice foresaid expressly Declares and Statutes that none of the Subjects of this Kingdom shall be lyable to but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconsistent with the foresaid True Protestant Religion and Presbyterian Church Government Worship and Discipline as above established And that the same within the bounds of this Church and Kingdom shall never be imposed upon or required of them in any sort And Lastly that after the Decease of Her Present Majesty (whom God long preserve) the Sovereign succeeding to her in the Royal Government of the Kingdom of Great Britain shall in all time coming at his or her accession to the Crown Swear and Subscribe That they shall inviolably maintain and preserve the foresaid settlement of the True Protestant Religion with the Government Worship Discipline Right and Priviledges of this Church as above established by the Laws of this Kingdom in prosecution of the Claim of Right And it is hereby Statute and Ordained That this Act of Parliament with the Establishment therein contained shall be held and observed in all time coming as a fundamentall and essentiall Condition of any Treaty or Union to be Concluded betwixt the Two Kingdoms without any Alteration thereof or Derogation thereto in any sort for ever As also that this Act of Parliament and Settlement therein contained shall be Insert and Repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the Two Kingdoms And that the same shall be therein expressly Declared to be a fundamentall and essentiall Condition of the said Treaty or Union in all time coming

WHICH ARTICLES OF UNION and Act immediately above-written Her Majesty with advice and consent foresaid Statutes Enacts and Ordains to be and Continue in all time coming the sure and perpetuall foundation of ane compleat and intire Union of the Two Kingdoms of Scotland and England under this express Condition and Provision That the Approbation and Ratification of the foresaids Articles and Act shall be nowayes binding on this Kingdom untill the said Articles and Act be Ratified Approven and Confirmed by Her Majesty with and by the Authority of the Parliament of England as they are now Agreed to Approved and Confirmed by Her Majestie with and by the Authority of the Parliament of Scotland Declaring nevertheless that the Parliament of England may provide for the security of the Church of England as they think expedient to take place within the bounds of the said Kingdom of England and not Derogating from the security above provided for Establishing of the Church of Scotland within the bounds of

this Kingdom As also the said Parliament of England may extend the Additions and other provisions contained in the Articles of Union as above insert in favours of the Subjects of Scotland to and in favours of the Subjects of England which shall not suspend or Derogate from the force and effect of this present Ratification But shall be understood as herein included without the necessity of any new Ratification in the Parliament of Scotland And lastly Her Majesty Enacts and Declares That all Laws and Statutes in this Kingdom so far as they are contrary to or inconsistent with the terms of these Articles as abovementioned shall from and after the Union cease and become void.

Church of Scotland Act 1921 1921 c.29 11_and_12_Geo_5

Introductory Text

Main body

1. Effect of Declaratory Articles.
2. Other Churches not to be prejudiced.
3. Jurisdiction of civil courts.
4. Citations and commencement.

Schedules

SCHEDULE Articles Declaratory of the Constitution of the Church of Scotland in Matters Spiritual

An Act to declare the lawfulness of certain Articles declaratory of the Constitution of the Church of Scotland in matters spiritual prepared with the authority of the General Assembly of the Church [28th July 1921].

Whereas certain articles declaratory of the constitution of the Church of Scotland in matters spiritual have been prepared with the authority of the General Assembly of the Church, with a view to facilitate the union of other Churches with the Church of Scotland, which articles are set out in the Schedule to this Act, and together with any modifications of the said articles or additions thereto made in accordance therewith are hereinafter in this Act referred to as «the Declaratory Articles»:

And whereas it is expedient that any doubts as to the lawfulness of the Declaratory Articles should be removed:

1. Effect of Declaratory Articles. The Declaratory Articles are lawful articles, and the constitution of the Church of Scotland in matters spiritual is as therein set forth, and no limitation of the liberty, rights and powers in matters spiritual therein set forth shall be derived from any statute or law affecting the Church of Scotland in matters spiritual at present in force, it being hereby declared that in all questions of construction the Declaratory Articles shall prevail, and that all such statutes and laws shall be construed in conformity therewith and in subordination thereto, and all such statutes and laws in so far as they are inconsistent with the Declaratory Articles are hereby repealed and declared to be of no effect.

2. Other Churches not to be prejudiced. Nothing contained in this Act or in any other Act affecting the Church of Scotland shall prejudice the recognition of any other Church in Scotland as a Christian Church protected by law in the exercise of its spiritual functions.

3. Jurisdiction of civil courts. Subject to the recognition of the matters dealt with in the Declaratory Articles as matters spiritual, nothing in this Act contained shall affect or prejudice the jurisdiction of the civil courts in relation to any matter of a civil nature.

4. Citations and commencement. This Act may be cited as the Church of Scotland Act 1921 . . . F1 Annotations:

Amendments (Textual)

- F1 Words repealed by Statute Law Revision Act 1950 (c. 6)
 Modifications etc. (not altering text)
 C1 Unreliable marginal note

SCHEDULE

Articles Declaratory of the Constitution of the Church of Scotland in Matters Spiritual

I. The Church of Scotland is part of the Holy Catholic or Universal Church; worshipping one God, Almighty, all-wise, and all-loving, in the Trinity of the Father, the Son, and the Holy Ghost, the same in substance, equal in power and glory; adoring the Father, infinite in Majesty, of whom are all things; confessing our Lord Jesus Christ, the Eternal Son, made very man for our salvation; glorying in His Cross and Resurrection, and owning obedience to Him as the Head over all things to His Church; trusting in the promised renewal and guidance of the Holy Spirit; proclaiming the forgiveness of sins and acceptance with God through faith in Christ, and the gift of Eternal life; and labouring for the advancement of the Kingdom of God throughout the world. The Church of Scotland adheres to the Scottish Reformation; receives the Word of God which is contained in the Scriptures of the Old and New Testaments as its supreme rule of faith and life; and avows the fundamental doctrines of the Catholic faith founded thereupon.

II. The principal subordinate standard of the Church of Scotland is the Westminster Confession of Faith approved by the General Assembly of 1647, containing the sum and substance of the Faith of the Reformed Church. Its government is Presbyterian, and is exercised through Kirk-sessions, Presbyteries, Provincial Synods, and General Assemblies. Its system and principles of worship, orders, and discipline are in accordance with «The Directory for the Public Worship of God,» «The Form of Presbyterial Church Government,» and «The Form of Process,» as these have been or may hereafter be interpreted or modified by Acts of the General Assembly or by consuetude.

III. This Church is in historical continuity with the Church of Scotland which was reformed in 1560, whose liberties were ratified in 1592, and for whose security provision was made in the Treaty of Union of 1707. The continuity and identity of the Church of Scotland are not prejudiced by the adoption of these Articles. As a national Church representative of the Christian Faith of the Scottish people it acknowledges its distinctive call and duty to bring the ordinances of religion to the people in every parish of Scotland through a territorial ministry.

IV. This Church, as part of the Universal Church wherein the Lord Jesus Christ has appointed a government in the hands of Church office-bearers, receives from Him, its Divine King and Head, and from Him alone, the right and power subject to no civil authority to legislate, and to adjudicate finally, in all matters of doctrine, worship, government, and discipline in the Church, including the right to determine all questions concerning membership and office in the Church, the constitution and membership of its Courts, and the mode of election of its office-bearers, and to define the boundaries of the spheres of labour of its ministers and other office-bearers. Recognition by civil authority of the separate and independent government and jurisdiction of this Church in matters spiritual, in whatever manner such recognition be expressed, does not in any way affect the character of this government and jurisdiction as derived from the Divine Head of the Church alone, or give to the civil authority any right of interference with the proceedings or judgments of the Church within the sphere of its spiritual

government and jurisdiction.

V. This Church has the inherent right, free from interference by civil authority, but under the safeguards for deliberate action and legislation provided by the Church itself, to frame or adopt its subordinate standards, to declare the sense in which it understands its Confession of Faith, to modify the forms of expression therein, or to formulate other doctrinal statements, and to define the relation thereto of its office-bearers and members, but always in agreement with the Word of God and the fundamental doctrines of the Christian Faith contained in the said Confession, of which agreement the Church shall be sole judge, and with due regard to liberty of opinion in points which do not enter into the substance of the Faith.

VI. This Church acknowledges the divine appointment and authority of the civil magistrate within his own sphere, and maintains its historic testimony to the duty of the nation acting in its corporate capacity to render homage to God, to acknowledge the Lord Jesus Christ to be King over the nations, to obey His laws, to reverence His ordinances, to honour His Church, and to promote in all appropriate ways the Kingdom of God. The Church and the State owe mutual duties to each other, and acting within their respective spheres may signally promote each other's welfare. The Church and the State have the right to determine each for itself all questions concerning the extent and the continuance of their mutual relations in the discharge of these duties and the obligations arising therefrom.

VII. The Church of Scotland, believing it to be the will of Christ that His disciples should be all one in the Father and in Him, that the world may believe that the Father has sent Him, recognises the obligation to seek and promote union with other Churches in which it finds the Word to be purely preached, the sacraments administered according to Christ's ordinance, and discipline rightly exercised; and it has the right to unite with any such Church without loss of its identity on terms which this Church finds to be consistent with these Articles.

VIII. The Church has the right to interpret these Articles, and, subject to the safeguards for deliberate action and legislation provided by the Church itself, to modify or add to them; but always consistently with the provisions of the first Article hereof, adherence to which, as interpreted by the Church, is essential to its continuity and corporate life. Any proposal for a modification of or addition to these Articles which may be approved of by the General Assembly shall, before it can be enacted by the Assembly, be transmitted by way of overture to Presbyteries in at least two immediately successive years. If the overture shall receive the approval, with or without suggested amendment, of two-thirds of the whole of the Presbyteries of the Church, the Assembly may revise the overture in the light of any suggestions by Presbyteries, and may transmit the overture when so revised to Presbyteries for their consent. If the overture as transmitted in its final form shall receive the consent of not less than two-thirds of the whole of the Presbyteries of the Church, the General Assembly may, if it deems it expedient, modify or add to these Articles in terms of the said overture. But if the overture as transmitted in its final form shall not receive the requisite consent, the same or a similar proposal shall not be again transmitted for the consent of Presbyteries until an interval of five years after the failure to obtain the requisite consent has been reported to the General Assembly.

IX. Subject to the provisions of the foregoing Articles and the powers of amendment therein contained, the Constitution of the Church of Scotland in matters spiritual is hereby anew ratified and confirmed by the Church.

Lord High Commissioner (Church of Scotland) Act 1974 **1974 c. 19**

Lord High Commissioner (Church of Scotland) Act 1974 (c.19)

Introductory Text

Main body

1. Allowance payable to the Lord High Commissioner to the General Assembly of the Church of Scotland.

2. Financial provision.

3. Short title and repeal.

An Act to empower the Secretary of State, with the concurrence of the Treasury, to pay an allowance in respect of the expenses attributable to the office of Her Majesty's High Commissioner to the General Assembly of the Church of Scotland of an amount which from time to time the Secretary of State may think appropriate. [27th June 1974]

1. Allowance payable to the Lord High Commissioner to the General Assembly of the Church of Scotland.

The allowance in respect of the expenses of his office payable to Her Majesty's High Commissioner to the General Assembly of the Church of Scotland shall after 8th May 1974 and in any subsequent year after 1974 be payable by the [Scottish Ministers], and that allowance shall be of such amount as the [Scottish Ministers] may from time to time determine as appropriate.

2. Financial provision.

There shall be paid out of moneys provided by Parliament any sums required for the payment of an allowance under the foregoing section.

3. Short title and repeal.—

(1) This Act may be cited as the Lord High Commissioner (Church of Scotland) Act 1974.

(2) The Lord High Commissioner (Church of Scotland) Acts 1948 and 1959 are hereby repealed.

Education (Scotland) Act 1980 (c. 44)

(Sólo se recogen las secciones 8, 9 y 10)

An Act to consolidate certain enactments relating to education in Scotland with amendments to give effect to recommendations of the Scottish Law Commission [1st August 1980]

Part I. Provision of Education by Education Authorities

.....

8. Religious instruction.—

(1) Whereas it has been the custom in the public schools of Scotland for religious observance to be practised and for instruction in religion to be given to pupils whose parents did not object to such observance or instruction, but with liberty to parents, without forfeiting any of the other advantages of the schools, to elect that their children should not take part in such observance or receive such instruction, be it enacted that education authorities [and boards of management of self-governing schools] shall be at liberty to continue the said custom, subject to the provisions of section 9 of this Act.

(2) It shall not be lawful for an education authority [or board of management] to discontinue religious observance or the provision of instruction in religion in terms of subsection (1)

above, unless and until a resolution in favour of such discontinuance duly passed by the authority has been submitted to a poll of the local government electors for the education area taken for the purpose, and has been approved by a majority of electors voting thereat.

(3) A poll under subsection (2) above shall be by ballot and shall be taken in accordance with rules to be made by the Secretary of State, which rules may apply with any necessary modifications any enactments relating to parliamentary or local government elections.

9. Conscience clause.

Every public school[, every grant-aided school and every self-governing school] shall be open to pupils of all denominations, and any pupil may be withdrawn by his parents from any instruction in religious subjects and from any religious observance in any such school; and no pupil shall in any such school be placed at any disadvantage with respect to the secular instruction given therein by reason of the denomination to which such pupil or his parents belong, or by reason of his being withdrawn from any instruction in religious subjects.

10. Safeguards for religious beliefs.

Where the parent of any pupil who is a boarder at any public school. . . or other educational establishment under the management of an education authority[, or at any self-governing school] requests that the pupil be permitted to attend worship in accordance with the tenets of a particular religious denomination on Sundays or other days exclusively set apart for religious observance by the religious body to which his parent belongs, or to receive religious instruction or to practise religious observance in accordance with such tenets outside the working hours

(a) of the school. . . or other educational establishment, the education authority;

(b) of the self-governing school, the board of management, shall make arrangements for affording to the pupil reasonable opportunities for so doing, and such arrangements may provide for affording facilities for such worship, instruction or observance on the premises of the school, other educational establishment or self-governing school, so however that such arrangements shall not entail expenditure by the education authority[or, as the case may be, by the board of management.

VI.4. IRLANDA DEL NORTE

VI.4.1. LEGISLACIÓN

Act of Supremacy (Ireland)
1560 c. 1 2_Eliz_1

Union with Ireland Act 1800 C.67
(Sólo se recogen los artículos V y VIII)

The Trustee Churches (Ireland) Act, 1884

Church Temporalities Fund Act (Northern Ireland) 1922 C. 13

Irish Church Disestablishment Act 1869 C. 42

Irish Church Act (1869) Amendment Act 1872 C. 90.

Marriage (Declaration of Law) Act (Northern Ireland) 1944 C.7

Exchequer and Financial Provisions Act (Northern Ireland)
1950 C.3

Statutory Rule 1996 No. 351
Curriculum (Core Syllabus for Religious Education) Order
(Northern Ireland) 1996

Statutory Rule 1997 No. 235
Public Order (Prescribed Form) Regulations (Northern Ireland)
1997

Statutory Rules of Northern Ireland 1999 No. 28
Juvenile Justice Centre Rules (Northern Ireland) 1999
(Sólo se recogen los apartados referidos a la religión)

Justice (Northern Ireland) Act 2002 C. 26
Ámbito de aplicación: E+W+S+N.I.

The Marriage (Northern Ireland) Order 2003
2003 No. 413 (N.I. 3)

Union with Ireland Act 1800 (c.67)
(Sólo se recogen los artículos V y VIII)

Preamble.

[1.] The Parliaments of England and Ireland have agreed upon the articles following:

Article First {no text}

That Great Britain and Ireland shall upon Jan. 1, 1801, be united into one kingdom; and that the titles appertaining to the crown, &c. shall be such as his Majesty shall be pleased to appoint.

Article Second {no text}

That the succession to the crown shall continue limited and settled as at present.

Article Third {no text}

That the United Kingdom be represented in one Parliament.

Article Fourth {no text}

That such Act as shall be passed in Ireland to regulate the mode of summoning and returning the lords and commons to serve in the united Parliament of the United Kingdom, shall be considered as part of the treaty of union.

That any peer of Ireland may be elected to serve in the House of Commons of the United Kingdom, unless previously elected to sit in the House of Lords, but shall not be entitled to the privilege of peerage, etc.

His Majesty may create peers, and make promotions in the peerage of Ireland after the union, under certain regulations.

Peerages in abeyance to be deemed existing peerages, and no peerage to be deemed extinct but on default of claim for a year after the death of the late possessor. If a claim be after that period made and allowed, and a new creation shall have taken place in the interval, no new right of creation shall accrue to his Majesty on the next extinction of a peerage.

Questions touching the election of members to sit in the House of Commons of the United Kingdom on the part of Ire-

land shall be decided as questions touching such elections in Great Britain.

When his Majesty shall declare his pleasure for holding a Parliament of the United Kingdom, a proclamation shall issue to cause the lords and commons, who are to serve on the part of Ireland to be returned as shall be provided by any Act of the present session in Ireland.

The lords of Parliament

Article Fifth {no text}

The churches of England and Ireland to be united into one Protestant Episcopal Church, and the doctrine of the Church of Scotland to remain as now established.

Article Sixth {no text}

The subjects of Great Britain and Ireland shall be on the same footing in respect of trade and navigation, and in all treaties with foreign powers the subjects of Ireland shall have the same privileges as British subject.

From January 1, 1801, all prohibitions and bounties on the export of articles the produce or manufacture of either country to the other shall cease.

All articles the produce or manufacture of either country, not herein-after enumerated as subject to specific duties, shall be imported into each country from the other, duty free, other than the countervailing duties in the Schedule No. 1. or to such as shall hereafter be imposed by the united Parliament;

Articles of the produce or manufacture of either country, subject to internal duty, or to duty on the materials, may be subjected on importation into each country to countervailing duties, and upon their export a drawback of the duty shall be allowed.

Articles the produce or manufacture of either country when exported through the other, shall be subject to the same charges as if exported directly from the country of which they were the produce or manufacture.

Article Seventh {no text}

Article Eight {no text}

All laws in force at the union, and all courts of jurisdiction within the respective kingdoms, shall remain, subject to such alterations as may appear proper to the united Parliament. All appeals to be finally decided by the peers of the United Kingdom. There shall remain in Ireland a Court of Admiralty, and appeals therefrom shall be to the delegates in Chancery there. All laws contrary to the provisions enacted for carrying these articles into effect to be repealed.

His Majesty having been pleased to approve of the foregoing articles, it is enacted, that they shall be the articles of union, and be in force for ever, from Jan. 1, 1801; provided that before that period an Act shall have been passed in Ireland for carrying them into effect.

2. Recital of an Act of the Parliament of Ireland to regulate the mode by which the lords and the commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned.

Recited Act to be taken as a part of this Act.

3. The great seal of Ireland may, if his Majesty shall think fit, after the union be used there in like manner as before, except where otherwise provided by the foregoing articles; and his Majesty may continue the Privy Council of Ireland.

An Act for the Union of Great Britain and Ireland. [2nd July 1800]

Preamble.

Whereas in pursuance of his Majesty's most gracious recommendation to the two Houses of Parliament in Great Britain and Ireland respectively, to consider of such measures as might best tend to strengthen and consolidate the connection

between the two kingdoms, the two Houses of the Parliament of Great Britain and the two Houses of the Parliament of Ireland have severally agreed and resolved, that, in order to promote and secure the essential interests of Great Britain and Ireland, and to consolidate the strength, power and resources of the British Empire, it will be advisable to concur in such measures as may best tend to unite the two kingdoms of Great Britain and Ireland into one kingdom, in such manner, and on such terms and conditions, as may be established by the Acts of the respective Parliaments of Great Britain and Ireland:

.....

The Fifth Article

The churches of England and Ireland to be united into one Protestant Episcopal Church, and the doctrine of the Church of Scotland to remain as now established.

That it be the Fifth Article of Union, that the doctrine, worship, discipline and government of the Church of Scotland shall remain and be preserved as the same are now established by law and by the Acts for the union of the two kingdoms of England and Scotland.

Article Eight

All laws in force at the union, and all courts of jurisdiction within the respective kingdoms, shall remain, subject to such alterations as may appear proper to the united Parliament. †All appeals to be finally decided by the peers of the United Kingdom. There shall remain in Ireland a Court of Admiralty, and appeals therefrom shall be to the delegates in Chancery there. All laws contrary to the provisions enacted for carrying these articles into effect to be repealed

That it be the Eighth Article of Union, that all laws in force at the time of the union, and all the courts of civil and ecclesiastical jurisdiction within the respective kingdoms, shall remain as now by law established within the same, subject only to such alterations and regulations from time to time as circumstances may appear to the Parliament of the United Kingdom to require; . . . provided that from and after the union there shall remain in Ireland an Instance Court of Admiralty for the determination of causes civil and maritime only, and that the appeal from sentences of the said court shall be to his Majesty's Delegates in his Court of Chancery in Ireland; and that all laws at present in force in either kingdom, which shall be contrary to any of the provisions which may be enacted by any Act for carrying these Articles into effect, be from and after the union repealed.

His Majesty having been pleased to approve of the foregoing articles, it is enacted, that they shall be the articles of union, and be in force for ever, from Jan. 1, 1801; provided that before that period an Act shall have been passed in Ireland for carrying them into effect.

And whereas the said Articles having, by address of the respective Houses of Parliament in Great Britain and Ireland, been humbly laid before his Majesty, his Majesty has been graciously pleased to approve the same, and to recommend it to his two Houses of Parliament in Great Britain and Ireland to consider of such measures as may be necessary for giving effect to the said Articles: In order therefore to give full effect and validity to the same, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said foregoing recited Articles, each and every one of them, according to the true import and tenor thereof, be ratified,

confirmed and approved, and be and they are hereby declared to be the Articles of the Union of Great Britain and Ireland, and the same shall be in force and have effect for ever, from the first day of January which shall be in the year of our Lord one thousand eight hundred and one; provided that before that period an Act shall have been passed by the Parliament of Ireland, for carrying into effect in the like manner the said foregoing recited Articles.

Recital of an Act of the Parliament of Ireland to regulate the mode by which the lords and the commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned.

2. And whereas an Act, intituled «An Act to regulate the mode by which the lords spiritual and temporal, and the commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament,» has been passed by the Parliament of Ireland, the tenor whereof is as follows:

An Act to regulate the mode by which the lords spiritual and temporal, and the commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament

In case of the summoning of a new Parliament, or if the seat of any of the commoners shall become vacant by death or otherwise, then the counties, cities or boroughs, or any of them, as the case may be, shall proceed to a new election; and no

meeting shall at any time hereafter be summoned, called, convened or held for the purpose of electing any person or persons to serve or act or be considered as representative or representatives of any other place, town, city, corporation or borough, or as representative or representatives of the freemen, freeholders, householders or inhabitants thereof, either in the Parliament of the United Kingdom or elsewhere (unless it shall hereafter be otherwise provided by the Parliament of the United Kingdom);

Whenever his Majesty, his heirs and successors, shall by proclamation under the Great Seal of the United Kingdom summon a new Parliament of the United Kingdom of Great Britain and Ireland, the Chancellor, Keeper or Commissioners of the Great Seal of Ireland, shall cause writs to be issued to the several counties, cities, and boroughs in Ireland, for the election of members to serve in the Parliament of the United Kingdom, and whenever any vacancy of a seat in the House of Commons of the Parliament of the United Kingdom for any of the said counties, cities or boroughs, shall arise by death or otherwise, the Chancellor, Keeper or Commissioners of the Great Seal, upon such vacancy being certified to them respectively by the proper warrant, shall forthwith cause a writ to issue for the election of a person to fill up such vacancy;

Recited Act to be taken as a part of this Act.

Be it enacted, that the said Act so herein recited be taken as a part of this Act, and be deemed to all intents and purposes incorporated within the same.

VI.5. ESTADÍSTICAS⁴¹

Religious Populations Christianity is main religion in Britain

Population of Great Britain: by religion, April 2001

	Total population		Non-Christian religious population	
	(Numbers)	(Percentages)	(Numbers)	(Percentages)
Christian	41,014,811	71.8		
Muslim	1,588,890	2.8	51.9	
Hindu	558,342	1.0	18.3	
Sikh	336,179	0.6	11.0	
Jewish	267,373	0.5	8.7	
Buddhist	149,157	0.3	4.9	
Any other religion	159,167	0.3	5.2	
All non-Christian religious population	3,059,108	5.4	100.0	
No religion	8,596,488	15.1		
Religion not stated	4,433,520	7.8		
All population	57,103,927	100.0		

Christianity is the main religion in Great Britain. There were 41 million Christians in 2001, making up almost three quarters of the population (72 per cent). This group included the Church of England, Church of Scotland, Church in Wales, Catholic, Protestant and all other Christian denominations.

People with no religion formed the second largest group, comprising 15 per cent of the population.

About one in 20 (5 per cent) of the population belonged to a non-Christian religious denomination.

Muslims were the largest religious group after Christians. There were 1.6 million Muslims living in Britain in 2001. This group comprised 3 per cent of the total population and over half (52 per cent) of the non-Christian religious population.

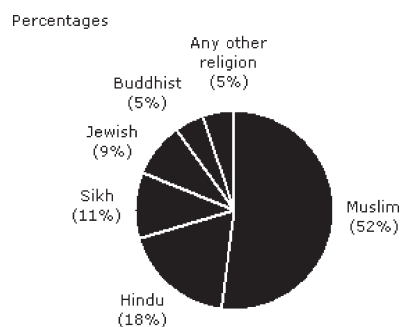
Hindus were the second largest non-Christian religious group. There were over half a million Hindus (558,000), comprising 1 per cent of the total population and 18 per cent of the non-Christian religious population.

There were just over a third of a million Sikhs (336,000), making up 0.6 per cent of the total population and 11 per cent of the non-Christian religious population.

There were just over a quarter of a million Jewish people (267,000), constituting 0.5 per cent of the total population and 9 per cent of the non-Christian religious group.

Buddhists numbered 149,000 people in 2001, comprising 0.3 per cent of the population of Great Britain.

The religion question was the only voluntary question in the 2001 Census and 8 per cent of people chose not to state their religion.



The distribution of non-Christian religions, April 2001, GB

⁴¹ Fuente: Office for National Statistics: www.statistics.gov.uk

Other religions in England and Wales

Rather than select one of the specified religions offered on the 2001 Census form, many people chose to write in their own religion. Some of these religions were reassigned to one of the main religions offered, predominantly within the Christian group.

In England and Wales, 151,000 people belonged to religious groups which did not fall into any of the main religions. The largest of these were Spiritualists (32,000) and Pagans (31,000), followed by Jain (15,000), Wicca (7,000), Rastafarian (5,000), Bahà'ì (5,000) and Zoroastrian (4,000).

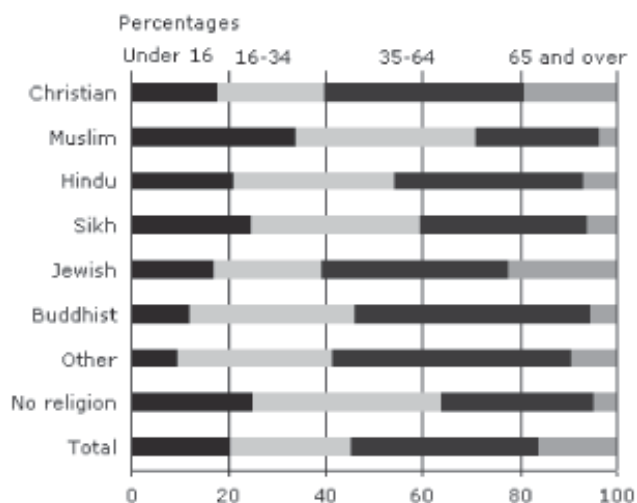
Sources: Census, April 2001, Office for National Statistics Census, April 2001, General Register Office for Scotland

Notes: The chart of non-Christian religions excludes Christians, people who had no religion and those who did not state their religion.

No religion includes people who ticked 'None' at the religion question plus those who wrote in Jedi Knight, Agnostic, Atheist and Heathen and those who ticked 'Other' but did not write in any religion.

Published on 11 October 2004

Age & Sex Distribution Muslim population is youngest



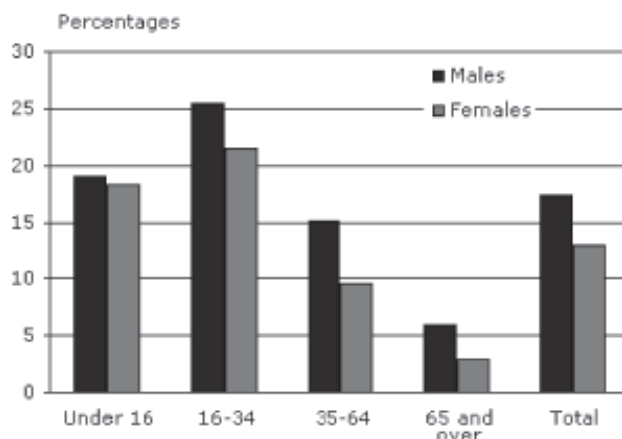
Muslims have the youngest age profile of all the religious groups in Great Britain. About a third of Muslims (34 per cent) were under 16 years of age in 2001, as were a quarter (25 per cent) of Sikhs and a fifth (21 per cent) of Hindus. There are very few older people in these groups – less than one in ten were aged 65 years or over. The Jewish and Christian groups have the oldest age profiles with one in five aged 65 years or over (22 per cent and 19 per cent respectively).

These differing age profiles reflect the ethnic make-up of the different religious groups. Christian and Jewish communities contain predominantly White people who have lived in the UK all their lives or who migrated here before the Second World War, and have an older age structure. Muslim, Hindu and Sikh communities are predominantly of South Asian ethnic origin and have a younger age profile, reflecting later immigration and larger family sizes with more children.

Muslims are the only religious group in which men outnumber women – 52 per cent compared with 48 per cent. This reflects the gender structure of Pakistani and Bangladeshi groups, in which men slightly outnumber women due to their immigration history. In all other religious groups there are either the same proportions of men and women or slightly more women than men, reflecting the fact that women live longer than men

in the general population. However, men formed the majority of the 'no religion' group, 56 per cent.

There is greater gender variation among the other smaller religious groups in England and Wales. In 2001, women made up more than two thirds of people who gave their religion as Spiritualism (68 per cent) or Wicca (67 per cent). Women also formed just over half of the Pagan and Bahà'ì groups – 54 per cent and 53 per cent respectively. Conversely, among Rastafarians and Zoroastrians, men were in the majority (70 per cent and 54 per cent respectively).



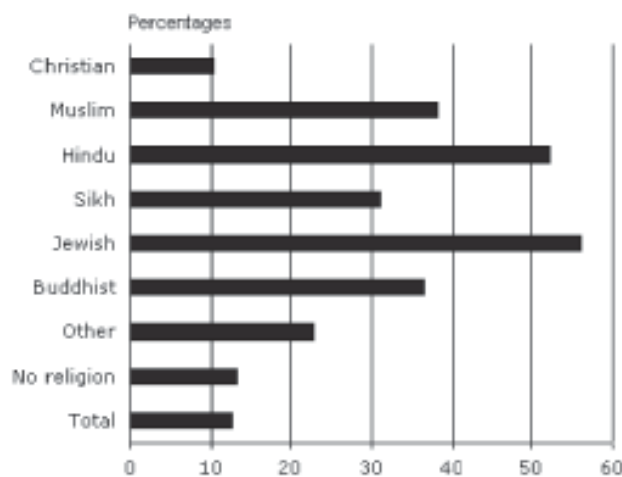
Percentage with no religion: by age and sex, April 2001, GB

Younger people are more likely than older people not to belong to any religion, reflecting the trend towards secularisation. Among 16 to 34 year olds in Great Britain, almost a quarter (23 per cent) said that they had no religion compared with less than 5 per cent of people aged 65 or over.

Sources:

Census, April 2001, Office for National Statistics
Census, April 2001, General Register Office for Scotland
Published on 11 October 2004

Geographic Distribution Minority religions mainly in London



Percentage of each religion living in London, April 2001, GB

People from non-Christian religions are more likely to live in England than in Scotland or Wales. In 2001 they made up 6 per cent of the population in England, compared with only 2 per cent in Wales and 1 per cent in Scotland.

People from Jewish, Hindu, Buddhist, Muslim and Sikh backgrounds were concentrated in London and other large ur-

ban areas. Christians and those with no religion were more evenly dispersed across the country.

The Jewish population was the most heavily concentrated in London, with 56 per cent of the Jewish population of Great Britain living there. A further 11 per cent lived in the East of England. Almost one in five Jews (17 per cent) lived in the London Borough of Barnet, where they constituted 15 per cent of the population.

Just over half (52 per cent) of Britain's Hindu population lived in London. A further 12 per cent lived in the East Midlands and 10 per cent in the West Midlands, with large populations living in particular pockets within these broad areas. In London, Hindus were concentrated in Brent and Harrow where they made up a fifth of each of these populations (17 per cent and 20 per cent respectively). Seven per cent of Hindus lived in Leicester in the East Midlands, where they comprised 15 per cent of the population.

Around two fifths of Muslims (38 per cent) lived in London. After London, the regions with the next biggest share of the Muslim population were the West Midlands (14 per cent), the North West (13 per cent), and Yorkshire and the Humber (12 per cent). Even within these regions, Muslims were highly concentrated spatially. Muslims made up 8 per cent of London's population overall but 36 per cent of the Tower Hamlets and 24 per cent of the Newham populations.

Almost a third (31 per cent) of the Sikh population lived in the West Midlands. They were particularly concentrated in the Wolverhampton and Sandwell areas: 8 per cent and 7 per cent respectively of the populations of these local authorities were Sikh. A further 31 per cent of the Sikh population lived in London. They were especially concentrated in West London boroughs, making up almost 10 per cent of the populations of Ealing and Hounslow. They also comprised almost 10 per cent of the population of Slough in the South East.

Of the 149,000 Buddhists living in Britain in 2001, 36 per cent lived in London with the rest dispersed across the other regions. The highest concentrations of Buddhists were in the London boroughs of Westminster and Camden where they made up 1 per cent of the local population.

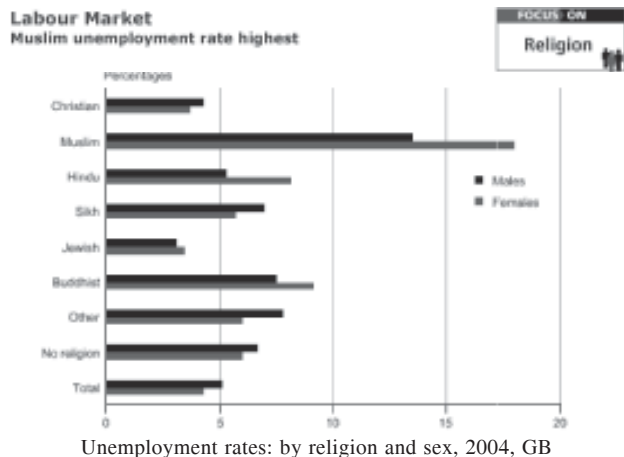
Christians were spread across Britain. London had the lowest proportion of Christians – only 58 per cent of the London population described themselves in this way. People in the North East and the North West were the most likely to describe themselves as Christian with four fifths of people in each of these regions doing so (80 per cent and 78 per cent respectively). People in these regions were the least likely to say they had no religion.

Sources:

Census 2001, Office for National Statistics

Census 2001, General Register Office for Scotland

Published on 11 October 2004



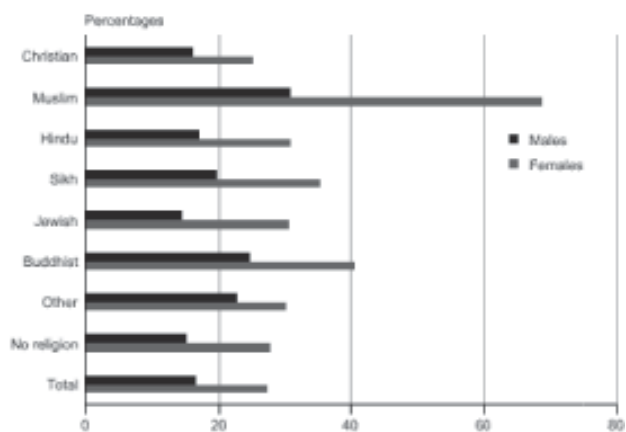
Unemployment rates for Muslims are higher than those for people from any other religion, for both men and women.

In 2004, Muslims had the highest male unemployment rate in Great Britain, at 13 per cent. This was about three times the rate for Christian men (4 per cent). Unemployment rates for men in the other religious groups were between 3 and 8 per cent.

The unemployment rate for Muslim women at 18 per cent was about four times the rate for Christian and Jewish women (4 per cent in each case). Unemployment rates for women in the other religious groups were between 6 per cent and 9 per cent.

Unemployment rates were highest among those aged under 25 years for all religious groups. Muslims aged 16 to 24 years had the highest unemployment rates. They were over twice as likely as Christians of the same age to be unemployed – 28 per cent compared with 11 per cent.

Although unemployment rates for older Muslims were lower, there was a greater difference between their unemployment rates and those for people from other religious backgrounds. Muslims aged 25 and over were more than three times as likely as Christians of the same age to be unemployed – 11 per cent and 3 per cent respectively.



Economic inactivity rates of working age people: by religion and sex, 2004, GB

Men and women of working age from the Muslim faith are also more likely than other groups in Great Britain to be economically inactive, that is, not available for work and/or not actively seeking work. Reasons include being a student, being disabled or looking after the family and home.

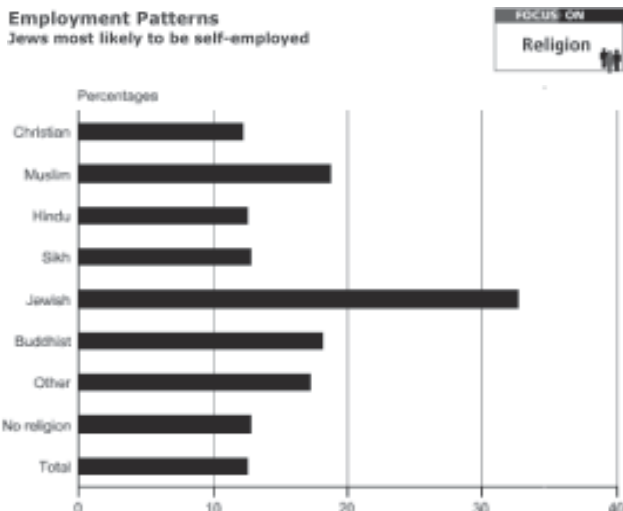
Among working age men, Muslims had the highest overall levels of economic inactivity in 2004 – 31 per cent compared with 16 per cent of Christians. This is partly explained by the young age profile of Muslims and the correspondingly high proportion of students. However, among older men of working age, Muslims also tended to have the highest levels of economic inactivity, largely due to ill health.

Within each religious group women were more likely than men to be economically inactive. The main reason was that they were looking after the family and home. Muslim women were more likely than other women to be economically inactive. About seven in ten (69 per cent) Muslim women of working age were economically inactive, compared with no more than four in ten women of working age in each of the other groups. Christian women were least likely to be economically inactive (25 per cent).

Source: Annual Population Survey, January 2004 to December 2004, Office for National Statistics

Notes: Unemployment rate: based on the ILO definition as a percentage of all economically active. Economic inactivity rates are expressed as a proportion of the working age population (men aged 16 to 64, women aged 16 to 59).

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Self-employed as a percentage of all in employment: by religion, 2004, GB

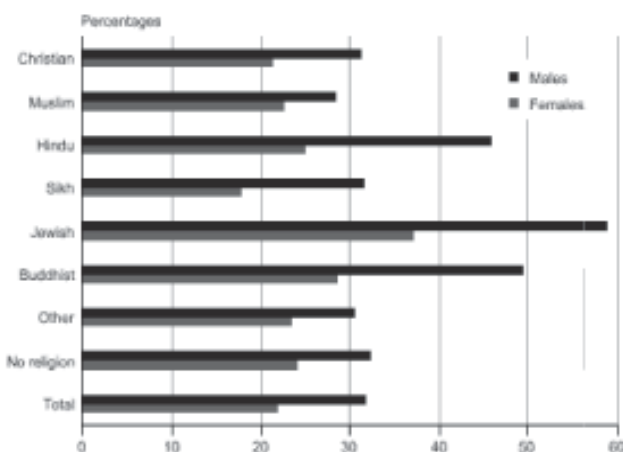
Jewish people were most likely to be self-employed in Great Britain in 2004, followed by Muslims and Buddhists. A third of Jewish people and around a fifth of Muslims and Buddhists were self-employed. These compared with around one in ten Christians, Sikhs, Hindus and those with no religion.

Certain religious groups are concentrated in particular industries. In 2004, 37 per cent of Muslim men in employment were working in the distribution, hotel and restaurant industry compared with 17 per cent of Christian men and no more than 27 per cent of men in any other group.

Muslim and Sikh men were more likely than other men to be working in the transport and communication industry. More than one in seven from these religions worked in this sector compared with less than one in ten from any other religious group.

Jewish men were more likely than men from any other religion to work in the banking, finance and insurance industry. Around a third of Jewish men worked in this sector.

Among women in employment, Sikh, Muslim and Hindu women were most likely to work in the distribution, hotel and restaurant industry. Over a quarter of each group worked in this industry compared with around a fifth of women from most other groups. Sikh women were more likely than other women to work in manufacturing - one in seven worked in manufacturing compared with less than one in ten women from any other religion.



People in employment in managerial and professional occupations: by religion and sex, 2004, GB

Among men in employment, Jews and Hindus are the most likely to work in managerial or professional occupations – about half in each group in 2004. One in 20 Hindu men was a medical practitioner in 2004 compared with one in 200 Christian men.

Muslim and Sikh men are the least likely to be working in managerial or professional occupations (less than a third of these groups), and the most likely to be working in low skilled jobs. In 2004, almost one in ten Muslim men was a taxi driver, cab driver or chauffeur. This was much higher than the proportion in any other group.

The proportion of Christian men working in managerial or professional occupations is similar to that for Muslims and Sikhs, at around 30 per cent. However, Christian men are more likely than Muslims and Sikhs to be working in skilled trade jobs. Christian men are also less likely than Muslims to be in low skilled jobs.

Patterns are similar for women, although not as pronounced. Jewish and Buddhist women are the most likely to work in managerial or professional occupations. Sikh women are the most likely to be working in low skilled jobs. Around one in ten Sikh women was working as a process, plant and machine operative in 2004 compared with around 3 per cent in most other groups.

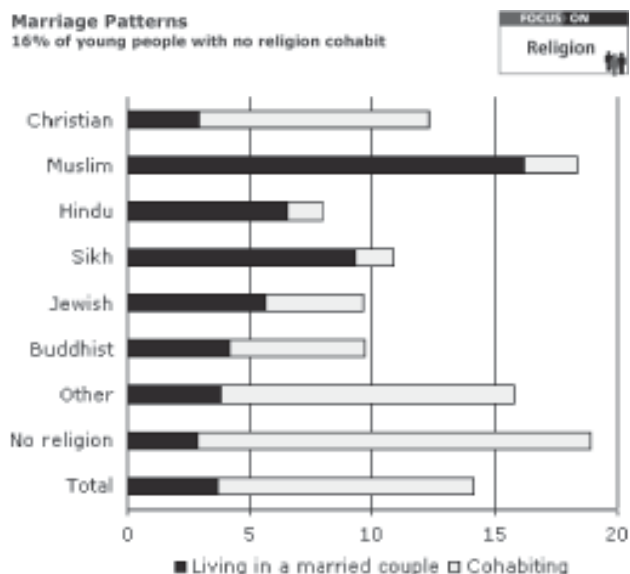
Muslim, Hindu and Sikh women are concentrated in sales and customer service jobs (between 16 and 20 per cent), compared with 12 per cent among Christians and those with no religion.

Source: Annual Population Survey, January 2004 to December 2004, Office for National Statistics

Notes: Self-employed industry and occupation data are expressed as a percentage of all in employment.

Low skilled occupations include: Process, Plant and Machine Operatives and Elementary occupations.

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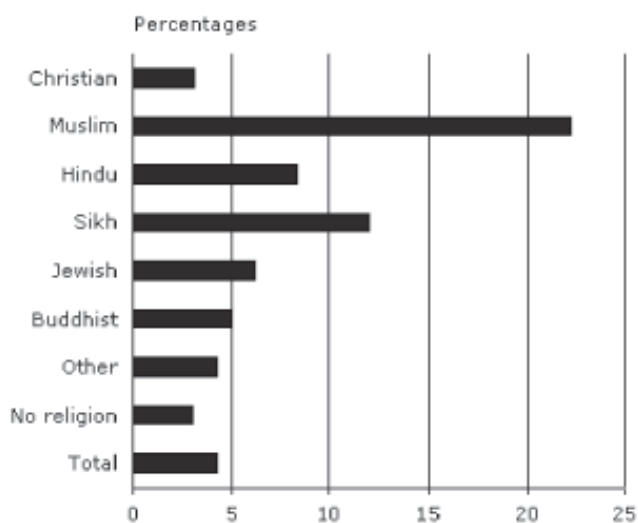
Living arrangements of 16 to 24 year olds: by religion, April 2001, GB

Living arrangements

Among 16 to 24 year olds, those with no religion and Muslims were the most likely to be living with a partner in Great Britain in 2001, either as a married or cohabiting couple (19 per cent for each group).

People with no religion were the most likely to be cohabiting (16 per cent of 16 to 24 year olds). Sikhs, Hindus and Mus-

lms were the least likely to do so. This pattern is reflected across all age groups but is most marked among young adults aged 16 to 24. Young Muslims were the most likely to be living as part of a married couple whereas people with no religion were the least likely to do so.



Percentage of 16 to 24 year olds who were married: by religion, April 2001, GB

Marital status

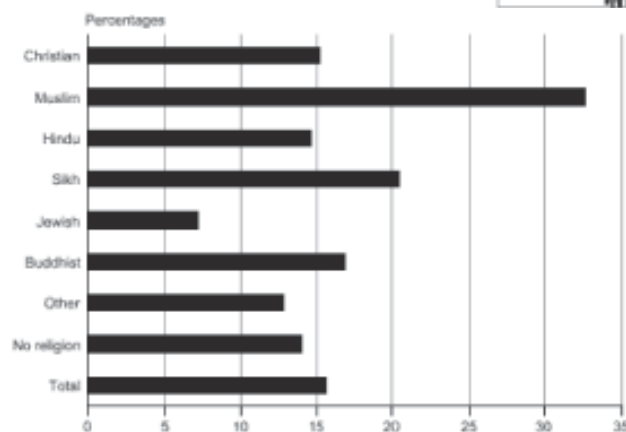
Young Muslim adults were more likely to be married (22 per cent) than were young people from any other religious background. As with people from other religions, not all of these were living with their spouse. Christians and those with no religion were the least likely to be married – 3 per cent of 16 to 24 year olds in each group.

Overall, Hindus and Sikhs are the least likely to be divorced, separated or re-married. This pattern was the same across most age groups in Great Britain in 2001. For example, among 45 to 54 year olds, one in ten Sikhs (10 per cent) and Hindus (11 per cent) who had ever been married described their current marital status as divorced, separated or re-married. This compares with 17 per cent of Muslims, 34 per cent of Christians and 43 per cent of those with no religion in the same age group.

Sources:
 Census, April 2001, Office for National Statistics
 Census, April 2001, General Register Office for Scotland
 Published on 11 October 2004

Education

One in three Muslims have no qualifications



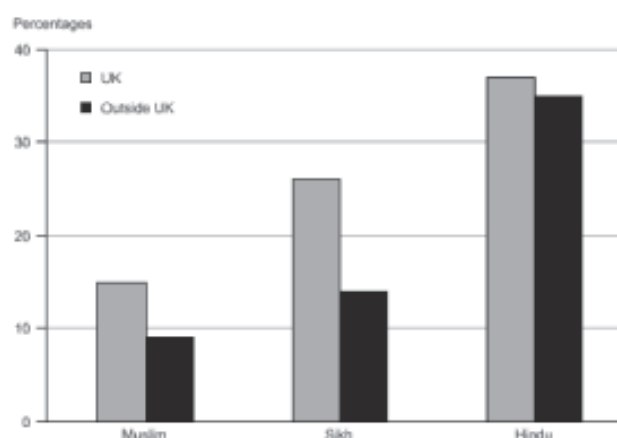
People of working age with no qualifications: by religion, 2004, GB

In 2004 a third (33 per cent) of Muslims of working age in Great Britain had no qualifications – the highest proportion for any religious group. They were also the least likely to have degrees or equivalent qualifications (12 per cent).

After Muslims, Sikhs are the next most likely to have no qualifications (20 per cent). Seventeen per cent of Buddhists and a similar proportion of Christians (15 per cent), Hindus (15 per cent) and people with no religion (14 per cent) had no qualifications. Jews were the least likely to have no qualifications (7 per cent).

Jews, Buddhists and Hindus were more likely than other groups to hold a degree. About four in ten Jews (44 per cent) and three in ten Buddhists (30 per cent) and Hindus (29 per cent) held a degree compared with 22 per cent of people with no religion, 20 per cent of Sikhs and 16 per cent of Christians.

Across all religions, the pattern for men and women of working age is similar but women are generally more likely than men to have no qualifications.



Percentage of 16 to 30 year olds with a degree: by religion and country of birth, 2004, GB

Muslims and Sikhs who were born in the UK are more likely than those born elsewhere to have a degree or equivalent qualification, irrespective of age. Among those under the age of 30, UK-born Sikhs and Muslims were almost twice as likely to have degrees in 2004 as those born elsewhere. In contrast, there was little difference in the likelihood of having a degree between Hindus born in the UK and those born elsewhere.

In January 2004 there were almost 7,000 state-maintained faith schools in England, making up 36 per cent of primary and 17 per cent of secondary schools. The overwhelming majority of these faith schools (99 per cent) were Christian. Christian schools had places for 1.7 million children and, in 2001, 5.1 million children aged 5 to 16 in England were described as Christian.

There were 371,000 school-aged (5 to 16 year old) Muslim children in England in 2001 and four Muslim state-maintained schools in 2004, catering for around 1,100 children. There were 64,000 school-aged Sikh children and two Sikh state-maintained schools, catering for around 600 children.

There were 33,000 Jewish school-aged children in England compared with 13,000 places in state-maintained Jewish schools.

Sources: Qualifications: Annual Population Survey, January 2004 to December 2004, Office for National Statistics

Schools: Annual Schools Census, January 2004, Department for Education and Skills
 Number of children: Census, April 2001, Office for National Statistics

Notes: The working age population comprises males aged 16 to 64 and females aged 16 to 59.

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VI.6. DOCUMENTOS

A continuación se recogen, de la obra de investigación de Javier García de Oliva⁴², sus conclusiones por considerar que reflejan en que punto se encuentran actualmente en el Reino Unido las relaciones entre el Estado y los distintos grupos religiosos

Primera.-Las relaciones entre el Estado y los grupos religiosos en el Reino Unido no son homogéneas, sino que, por el contrario, presentan características diferenciadas en cada una de las naciones que lo forman, es decir, Inglaterra, Gales, Escocia e Irlanda del Norte. Por ello, las respuestas a las cuestiones planteadas en esta obra son diferentes en los diversos territorios.

Segunda.-Aunque con carácter general la separación de poderes es predicable respecto al sistema jurídico-político británico, curiosamente, del análisis de las instituciones puede deducirse una notable confusión de funciones entre las diversas autoridades. Confusión que, aún siendo objeto de crítica y favoreciendo la existencia de elementos de discriminación y desigualdad en el ordenamiento británico, no impide que en la práctica las instituciones democráticas funcionen.

Tercera.-Fruto de los acontecimientos históricos vividos en Inglaterra y Escocia desde la Reforma protestante perviven dos modelos de confesionalismo formal en el Reino Unido. Por ello, emitir un juicio sobre el actual sistema de relaciones entre el Estado y las Iglesias anglicana y presbiteriana requiere, necesariamente, profundizar previamente en el iter vivido en ambos países durante todos estos siglos.

Cuarta.-La pervivencia del *establishment* en Inglaterra se ve reforzada. además, por dos motivos: el peculiar apego a las tradiciones que caracteriza al pueblo inglés y el orgullo que se deduce, siente este país, de sus notables singularidades frente a la así denominada Europa continental.

Quinta.-Por su parte, el modelo escocés de confesionalismo es significativamente diferente del inglés: la presencia de las autoridades públicas en el ordenamiento y vida de la Iglesia de Escocia es meramente simbólica y, resulta controvertida por los autores la calificación de la misma como *established*, en tanto en cuanto dicho término en sentido estricto –no así en sentido amplio– difícilmente podría aplicarse a dicha Iglesia presbiteriana. El sistema escocés sólo puede ser entendido como *establishment* en un sentido amplio, y muy matizado.

Sexta.-Por lo que respecta al sistema de relación Iglesia y Estado en Gales e Irlanda del Norte, en la actualidad puede afirmarse que no cuentan con confesiones *established*, pues tanto la Iglesia en Gales como la de Irlanda, presenciaron *the disestablishment* en 1869 y 1920, respectivamente. Ahora bien, aún pueden apreciarse en sus legislaciones, tanto estatal como religiosa, vestigios del modelo de *establishment*, que existió en ambos territorios hasta aquellas fechas. Estos son más numerosos y significativos en el caso galés, puesto que las vicisitudes sufridas en Irlanda del Norte desde 1869 han conducido a esta nación a procurarse una separación nítida entre las autoridades políticas y religiosas, dando prioridad en su política a esta cuestión.

Séptima.-A pesar de que, en línea de principios, el confesionalismo inglés podría resultar sospechoso de provocar/favorecer discriminación, en la actualidad hay hechos que permiten superar tales sospechas. Así, la incorporación de la Convención Europea de Derechos Humanos al ordenamiento británico mediante *the Human Rights Act* de 1998, asumiendo el principio de igualdad religiosa contemplado en el artº9, ha supuesto un refuerzo de autolimitación en el ejercicio del confesionalismo y un fortalecimiento de los derechos y expectativas de los restantes grupos religiosos en cuanto que los mecanismos protectores de las minorías se potencian.

Octava.-Desde una perspectiva sociológica, hoy día, el pluralismo religioso es más significativo que el confesionalismo, siendo una realidad el hecho de que el Reino Unido, desde el punto de vista religioso, es uno de los Estados más heterogéneos de Europa. Esta convivencia entre confesionalidad formal y pluralismo religioso de facto exige un peligroso equilibrio difícil de mantener, en cuanto que requiere de una especial sensibilidad del legislador y de los tribunales británicos para evitar cualquier atisbo de discriminación respecto de aquellos ciudadanos que no profesen bien el anglicanismo en Inglaterra, bien el presbiterianismo en Escocia.

Esta conclusión requiere de cierta matización pues, al igual que sucede en muchos otros ámbitos, tampoco el Reino Unido, desde el punto de vista sociológico, es homogéneo en lo religioso. Así, coexiste un alto nivel de heterogeneidad y pluralidad fideística en Inglaterra (fundamentalmente Londres y grandes núcleos urbanos como Manchester y Birmingham en *the Midlands*) y en otras grandes capitales de Escocia y Gales (Edinburgh y Cardiff), con territorios homogéneos desde la perspectiva religiosa como son importantes áreas del sudeste inglés y las zonas rurales de Escocia y Gales.

Novena.-Aun cuando el confesionalismo británico pueda resultar anacrónico y original por su singularidad en una Europa mayoritariamente aconfesional, en la que la separación Iglesia-Estado es frecuente, la cuestión de la pervivencia de la fórmula inglesa no preocupa en el ámbito doctrinal británico. Sin embargo, se aprecia un cierto descontento en cuanto que algunos grupos políticos (como el Partido Liberal) y sociales sí han clamado por *the disestablishment*.

Décima.-A pesar de que la mayoría de los anglicanos ingleses se muestran conformes con el hecho de que el Soberano sea el Gobernador Supremo de la Iglesia y que al resto de la ciudadanía les sea indiferente tal circunstancia, la coincidencia de ambas potestades en una misma persona es, desde la perspectiva continental, obsoleta y comprometida. En nuestra opinión esta circunstancia puede suponer una rémora para la confesión anglicana, y un obstáculo a la necesaria neutralidad del Soberano en una sociedad pluralista.

Decimoprimer.-Siguiendo recomendaciones de *the Report of Archbishops' Commission* en 1976 se ha modificado parcialmente el procedimiento de designación de la jerarquía anglicana inglesa –otra de las manifestaciones de la vinculación del poder religioso al temporal–, lo cual ha supuesto una sustancial disminución de la intervención del poder ejecutivo en el citado procedimiento. Este hecho, aunque insuficiente, representa un hito que hace surgir cierta esperanza en el inicio de una política tendente a minimizar la vinculación antedicha.

Decimosegunda.-A pesar de lo desacertado y anacrónico que supone la presencia de la jerarquía anglicana en la Cámara de

⁴² *El Reino Unido: Un estado de naciones, una pluralidad de iglesias* / Javier García Oliva. Granada: Comares, 2004

los Lores, hemos de reconocer algo positivo respecto de la misma. Y ello es que, de hecho, la jerarquía anglicana se ha erigido en los últimos años en representante no sólo de los miembros de su credo, sino también de las minorías en general, religiosas –cristianas y no cristianas– y de cualquier otra naturaleza. Circunstancia ésta que, indiscutiblemente, al beneficiar a la población más desfavorecida es apoyada por los restantes credos religiosos, pese al malestar que en ellos generó la retirada de la propuesta del gobierno del laborista Blair de contar con representatividad de minorías religiosas en la Cámara Alta.

Decimotercera.-El Sínodo General ha alcanzado un papel cada vez más, relevante dentro de la Iglesia de Inglaterra, de forma paralela al proceso de espiritualización vivido en el seno del anglicanismo. Si bien hubo ocasión de asistir en las primeras décadas del siglo XX a un fortalecimiento del Parlamento en cuestiones religiosas, la situación se ha invertido claramente en los últimos años en favor del Sínodo. No obstante, el poder legislativo mantiene importantes competencias en asuntos espirituales, que hoy día son indiscutibles. El hecho de que la aprobación del principal instrumento legislativo de la Iglesia, las denominadas *measures*, necesite la corroboración de ambas Cámaras parlamentarias es muy sintomático. No existiendo en el país anglosajón una independencia de la Iglesia frente al poder político, resulta absolutamente plausible que en la actualidad un Parlamento constituido también por escoceses, galeses y norirlandeses, decida sobre materias que afectan a la Iglesia de Inglaterra. Aún más, y lo que es sin duda más sorprendente, en la práctica, católicos, judíos, hindúes, ateos y agnósticos deben pronunciarse en ocasiones sobre asuntos concernientes a la Iglesia *established*.

Decimocuarta.-Conviene huir de concepciones tradicionales en orden a la clasificación de los órganos legislativos de la Iglesia anglicana, puesto que las mismas no tienen en cuenta las profundas transformaciones que en este ámbito se han operado en el ámbito eclesial. De hecho, en los últimos años, con independencia de la función desempeñada por el Sínodo General, se ha producido una proliferación de normas emanadas de instituciones y de personas de reconocida autoridad, sin que en puridad posean *per se* facultades de naturaleza legislativa. Es el fenómeno conocido como *quasi-legislatio*.

Decimoquinta.-La entrada en vigor de *the Human Rights Act* de 1998 ha generado expectación en el ámbito doctrinal. Puesto que, la necesidad de hacer compatible el reconocimiento de la naturaleza pública de las dos confesiones *established* en el Reino Unido –las Iglesias de Inglaterra y Escocia– con el principio de autonomía, de que los grupos religiosos han de disfrutar, augura pronunciamientos jurisprudenciales de significativa trascendencia. Naturalmente la mayor imbricación de la primera confesión en el entramado estatal la obliga, necesariamente, a nuestro entender, a acomodarse a ciertos estándares y criterios por los que ha de regirse el ordenamiento estatal.

Decimosexta.-Es indudable que las autoridades públicas comparten con la Iglesia de Inglaterra un interés por el patrimonio histórico artístico. La gestión del mismo vincula ineludiblemente a representantes de ambos colectivos. La presencia de los arzobispos y de altas personalidades del Estado en *the Church Commissioners* demuestra que los vínculos entre ambas instituciones van más allá de cuestiones meramente formales.

Decimoséptima.-*The establishment*, como modelo de relaciones entre el Estado y la Iglesia, no implica inmovilismo, en cuanto que ésta no viene obligada a la aceptación pasiva de su

statu quo. De tal manera que, aunque tradicionalmente se ha mantenido una estrecha relación entre ambos, durante la década de los ochenta la Iglesia ha adoptado una actitud que pudiera ser calificada de progresista, oponiéndose de hecho a muchas de las medidas defendidas por el Gobierno *Tory* –partido que se encontraba entonces en el poder al que durante años, debido a que compartían una concepción de la sociedad muy similar, se había considerado profundamente afín–. Actitud que en la actualidad sigue presente en las relaciones con el Gobierno Blair, que también tienen sus altibajos. Circunstancia que hemos tenido ocasión de comprobar con motivo de las discrepancias surgidas en torno al proyecto de reformar la Cámara Alta.

Decimooctava.-La posición jurídica de la Iglesia de Escocia según el ordenamiento británico es completamente *sui generis*. Difiere tanto de la que ocupa la Iglesia de Inglaterra como de la de los restantes grupos religiosos. Si bien no es desacertado calificarla como confesión *established*, los Artículos Declaratorios de Fe, reconocidos a su vez por *the Church of Scotland Act* de 1921, insisten en su consideración como Iglesia nacional. Este concepto evoca una implicación de dicha Iglesia en la sociedad, existiendo en consecuencia un compromiso de los representantes eclesiales con todos los sectores nacionales, no únicamente con los miembros de su credo.

Decimonovena.-No debe identificarse confesión *established* con Iglesia *nacional*. Y, así, las Iglesias *disestablished* en Gales e Irlanda del Norte presentan características propias de los credos nacionales, si entendemos *nacional* en su significado de sentirse representante de la sociedad nacional e implicarse en las cuestiones que le afectan. Con este presupuesto, estamos de acuerdo con el Arzobispo Runcie cuando sostenía que no entendía por qué sus amigos metodistas, católicos o baptistas no podían considerarse igualmente líderes de Iglesias nacionales.

Vigésima.-Realizar un debate unitario sobre el futuro del modelo de *establishment* en el Reino Unido es, a todas luces, estéril, dadas las ingentes diferencias entre las fórmulas inglesa y escocesa. De lo expuesto en este trabajo puede colegirse la existencia de preocupación social y de cierta oposición respecto al modelo de *the establishment* en Inglaterra, mientras que no sucede nada parecido en Escocia.

Vigésimo primera.-La Iglesia en Gales, a pesar del proceso de desvinculación de los poderes públicos que se produjo en 1920, continúa manteniendo en su ordenamiento características de confesión *quasi-established*. Circunstancia que también es favorecida por el ordenamiento estatal. Junto a esta constatación jurídica, razones de naturaleza sociológica refuerzan este hecho, puesto que las ceremonias públicas en Gales, en las que se deba contar con representantes de credos religiosos, son encabezadas por la jerarquía de la Iglesia en Gales.

Vigésimo segunda.-Desde el punto de vista jurídico, en puridad, la Iglesia en Gales es considerada por parte del ordenamiento británico una asociación de naturaleza voluntaria y privada, difiriendo por tanto de manera sustancial de las dos confesiones *established* en el Reino Unido. Su regulación como asociaciones de Derecho privado es idéntica a la de los restantes credos religiosos presentes en el conjunto del país, incluidos católicos, metodistas y musulmanes, entre otros. Y, dado que no existe en el ordenamiento británico un Derecho específico regulador del elemento religioso, están sometidas al Derecho general relativo a asociaciones.

Vigésimo tercera.-La Iglesia de Irlanda presenta muchas similitudes con la Iglesia en Gales. Pero, a diferencia de ésta,

al haberse producido *the disestablishment* en el siglo XIX, es difícil encontrar vestigios de la situación anterior a esa fecha, que conlleven a una diferenciación jurídica entre dicha confesión y el resto de los credos presentes en el Ulster.

Vigésimo cuarta.-Al estar limitada territorialmente nuestra investigación al Reino Unido, sólo hemos abarcado Irlanda del Norte, soslayando profundizar en el modelo de relaciones entre Eire y la Iglesia de Irlanda. Ello no ha impedido que en nuestro análisis hayamos comprobado que esta confesión ha sabido hacer compatibles el respeto de su liturgia, doctrina y teología con su presencia en dos Estados. Ahora bien, la mayor parte de las confesiones presentes en el Ulster, extienden su jurisdicción más allá de ese territorio, abarcando la República de Irlanda, puesto que la organización administrativa se sustanció con anterioridad a la partición de la isla.

Conclusión final Como valoración final no queremos dejar de indicar que al inicio de nuestra investigación nos aproximamos a las realidades confesionales inglesa y escocesa con una actitud ciertamente crítica, fruto sin duda del prejuicio que

nuestra condición continental nos había imbuido. Sin embargo he de confesar, que tras los años dedicados al estudio y conocimiento de esas realidades, si bien conservo ciertas dudas sobre la absoluta compatibilidad entre *the establishment* y los principios de libertad e igualdad religiosa, también he comprobado que existen muchos argumentos a favor de la pervivencia del modelo que minimizan mi radical posición. Por ello, consciente de mis dudas, difícilmente puedo ofrecer una respuesta categórica, bien en sentido positivo, bien negativo, sobre la idoneidad de la pervivencia de la fórmula.

Sin embargo en esta última reflexión quiero abogar por una atenuación de la vinculación de la Iglesia y el Estado en Inglaterra, abarcando no sólo al poder ejecutivo en sus facultades gubernamentales, sino también, y muy principalmente, a las facultades de la Corona respecto a la Iglesia de Inglaterra. Sería conveniente y oportuno conferir al Monarca un cierto papel simbólico y formal, al igual que sucede con la Iglesia de Escocia, pues ello permitiría compatibilizar el respeto a la historia inglesa con la adecuación de la Corona a las nuevas circunstancias pluralistas del siglo XXI.

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