STATUTORY INSTRUMENTS

2005 No. 4

EDUCATION, ENGLAND

The St Bernadette's Primary School (Designation as having a Religious Character) Order 2005

Made - - - - 6th January 2005

In exercise of the powers conferred on the Secretary of State by section 69(3) and (4) of the School Standards and Framework Act 1998 (**a**), and having followed the procedure specified in the Religious Character of Schools (Designation Procedure) Regulations 1998(**b**), the Secretary of State for Education and Skills hereby makes the following Order:

Citation

1. This Order may be cited as the St Bernadettes Primary School (Designation as having a Religious Character) Order 2005.

Designation of School

2.—(1) The St Bernadette's Primary School, Chaffron Way, Milton Keynes, MK10 9EU, a voluntary aided school, is hereby designated as a school having a religious character.

(2) The religious denomination in accordance with whose tenets religious education is, or may be, required to be provided at the school in accordance with Schedule 19 to the School Standards and Framework Act 1998 is Roman Catholic.

Shan Scott
A Divisional Manager in the
Department for Education and Skills

6th January 2005

(**a**) 1998c.31. By virtue of SI 1999/672 the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.
(**b**) S.I. 1998/2535.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates St Bernadette's Primary School as having a religious character in accordance with section 69(3) of the School Standards and Framework Act 1998 ("the Act").

Designation as a school which has a religious character is relevant for a number of purposes under the Act, notably:

(a) as part of the mechanism for determining the form of religious education to be provided under Schedule 19 to the Act;

(b) as part of the mechanism for determining the form of collective worship to be provided under Schedule 20 to the Act;

(c) as part of the mechanism for determining school staffing matters under sections 58 to 60 of the Act;

(d) for the purposes of the determination of admission arrangements under section 89 of the Act having regard to the code of practice issued under section 84;

(e) for the purposes of the disposition of assets under paragraph of Schedule 3 to the Act, so that assets can be re-assigned for the benefit of schools of the same religion or religious denomination.

Designation by this Order is not of itself a means of acquiring a religious character or of changing religious character. Designation is the recognition of certain attributes of the school or its governing body as described in the Religious Character of Schools (Designation Procedure) Regulations 1998 (SI 1998/2535). Under the Act a school must first close if it is to acquire a religious character, if it does not, as a question of fact, have one already, or where it is to change its religious character.

Designation by this Order as a school with a religious character will not be accepted by the Secretary of State as conclusive evidence that an endowment has been held or used, wholly or partly, in connection with the provision at the school of religious education for the purposes of section 554(2) of the Education Act 1996. Section 554 enables appropriate authorities of any religious denomination or religion (but normally Church of England diocesan authorities) to make fresh provision for endowments held or used for the provision of religious education. This normally happens as a result of a school closing. In confirming eligibility for an order, the trust deeds and other supporting evidence would be considered.

The statement in the Order that the religious denomination in accordance with whose tenets religious education is, or may be, required to be provided at the school in accordance with Schedule 19 to the Act is Roman Catholic, does not determine whether or not the school is a Catholic school according to canon law.

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