



Diocesan Boards of Education Measure 2021

2021 No. 1

Interpretation

19 Meaning of “church school”

- (1) This section applies for the purposes of this Measure.
- (2) A foundation or voluntary school is a “church school” if it meets at least one of the following conditions.
- (3) Those conditions are—
 - (a) that at least one member of the governing body of the school is a foundation governor appointed for the purpose of securing that the Church of England character of the school is preserved and developed;
 - (b) that the premises provided for the school when it was first established were so provided on trust that, if the school were to be discontinued, the property concerned was to be held for, or to be sold and the proceeds of sale applied for, the benefit of the Church of England;
 - (c) that some or all of the premises currently occupied by the school were provided on trust in connection with the conduct of an educational institution or the provision of education according to the tenets of the Church of England.
- (4) An Academy is a “church school” if it meets at least one of the following conditions.
- (5) Those conditions are—
 - (a) that the directors of the company that is the proprietor of the Academy are required by the proprietor's articles of association to secure that the Church of England character of the Academy is preserved and developed;
 - (b) that the proprietor's articles of association provide that the conduct of the Academy or the provision of education there must be in accordance with the tenets of the Church of England;

Changes to legislation: There are currently no known outstanding effects for the Diocesan Boards of Education Measure 2021, Section 19. (See end of Document for details)

- (c) that the premises provided for the Academy when it was first established were so provided on trust that, if the Academy were to be discontinued, the property concerned was to be held for, or to be sold and the proceeds of sale applied for, the benefit of the Church of England;
 - (d) that some or all of the premises currently occupied by the Academy were provided on trust in connection with the conduct of an educational institution or the provision of education according to the tenets of the Church of England.
- (6) A foundation or voluntary school or an Academy is a “church school” if, despite not meeting any of the conditions in subsection (3) or (5) (as the case may be), it is nonetheless designated as “Church of England” by an order under section 69(3) of the School Standards and Framework Act 1998 (in a case where it has been decided that the conduct of the school or Academy or the provision of education there is in accordance with the tenets of the Church of England).
- (7) In subsection (5)(b), the reference to the requirement for the provision of education at an Academy to be in accordance with the tenets of the Church of England is not to be read as a requirement for all the education provided there to be in accordance with those tenets.
- (8) The Archbishops' Council may, in consequence of provision about education made by or under an Act of Parliament, by order amend the definition of “church school” for the purposes of this Measure; and subsections (2) to (8) of section 16 apply in relation to an order under this section as they apply in relation to an order under that section.

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