
STATUTORY INSTRUMENTS

2022 No. 1237

EDUCATION, ENGLAND

**The Religious Character of 16 to 19 Academies
(Designation Procedure) (England) Regulations 2022**

<i>Made</i>	- - - -	<i>28th November 2022</i>
<i>Laid before Parliament</i>		<i>30th November 2022</i>
<i>Coming into force</i>	- -	<i>28th December 2022</i>

The Secretary of State, in exercise of the powers conferred by section 8A(4) of the Academies Act 2010⁽¹⁾, makes the following Regulations.

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Religious Character of 16 to 19 Academies (Designation Procedure) (England) Regulations 2022 and come into force on 28th December 2022.

(2) They extend to England and Wales but apply in relation to England only.

(3) In these Regulations, “section 8A application” is an application made to the Secretary of State for designation of a 16 to 19 Academy as having a religious character under section 8A(1) of the Academies Act 2010.

Application procedure

2. When making a section 8A application, the applicant must—

- (a) state the religion or religious denomination, or as the case may be, the religions or religious denominations, in respect of which the application is made;
- (b) provide the evidence specified in regulation 3; and
- (c) include any representations made by any religious body regarding the proposed designation under section 8A(1).

Evidential requirements

3.—(1) Subject to paragraph (5), where the applicant makes a section 8A application, they must provide evidence—

(1) 2010 c. 32; section 8A was inserted by section 31 of the Skills and Post-16 Education Act 2022 (c. 21).

- (a) that the 16 to 19 Academy—
 - (i) is to be conducted in accordance with the tenets of one or more religions or religious denominations; or
 - (ii) is to provide education in accordance with such tenets; and
- (b) relating to one or more of the circumstances set out in paragraphs (2), (3) or (4).

(2) The circumstance in this paragraph is that some or all of the premises currently occupied by the 16 to 19 Academy were provided on trust in connection with the provision of education or the conduct of an educational institution in accordance with the tenets of the religion or religious denomination, or as the case may be, religions or religious denominations in relation to which the application is made.

(3) The circumstance in this paragraph is that at least one member of the board of directors of the 16 to 19 Academy is a person appointed as a director in order to represent the interests of the religion or religious denomination, or as the case may be, religions or religious denominations in relation to which the application is made.

(4) The circumstance in this paragraph is that the articles of association of the 16 to 19 Academy provide that the 16 to 19 Academy is conducted, or that education is provided, in accordance with the tenets of the religion or religious denomination, or as the case may be, religions or religious denominations in relation to which the application is made.

(5) Where an applicant is unable to provide the evidence described in paragraph (1)(b), the Secretary of State is not prevented from considering the application.

Construction of regulation 3

4. For the purposes of regulation 3, any reference to the education at a 16 to 19 Academy being provided in accordance with the tenets of one or more religions or religious denominations does not require all education provided at that academy to be in accordance with those tenets.

Consultation

5.—(1) The Secretary of State must consult at least one relevant religious body when either of the circumstances described in paragraphs (2) or (3) arises.

(2) The circumstance in this paragraph arises where the Secretary of State receives a section 8A application.

(3) The circumstance in this paragraph arises where the Secretary of State seeks—

- (a) to amend an order made under section 8A(1); or
- (b) to revoke such an order.

(4) In this regulation, “relevant religious body” means where the religious character relates to—

- (a) the Church of England, the Diocesan Board of Education for the diocese of the Church of England where the 16 to 19 Academy is, or is to be, situated;
- (b) the Roman Catholic Church, the bishop of the Roman Catholic diocese in which the 16 to 19 Academy is, or is to be, situated;
- (c) any other religion or religious denomination, such body as the Secretary of State considers appropriate.

28th November 2022

Barran
Parliamentary Under Secretary of State
Department for Education

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the procedure to be followed where a person applies to the Secretary of State for the designation of a 16 to 19 Academy as having a religious character in an order under section 8A(1) of the Academies Act 2010 (c. 32).

An impact assessment has not been prepared for this instrument. A full impact assessment was prepared for all measures included in the Skills and Post-16 Education Act 2022 (c. 21), and may be accessed at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089212/Skills_Bill_impact_assessment.pdf.