



Skills and Post-16 Education Act 2022

2022 CHAPTER 21

PART 4

MISCELLANEOUS AND GENERAL

CHAPTER 2

MISCELLANEOUS PROVISIONS

16 to 19 Academies: designation as having a religious character

31 16 to 19 Academy: designation as having a religious character

After section 8 of the Academies Act 2010 insert—

“16 to 19 Academies designated as having a religious character

8A Designation of 16 to 19 Academy as having a religious character

- (1) The Secretary of State may by order designate a 16 to 19 Academy as having a religious character.
- (2) The Secretary of State may designate an Academy under this section only if the proprietor of the Academy is a qualifying Academy proprietor within the meaning given by section 12(2).
- (3) The order must specify the religion or religious denomination in relation to which the Academy is designated.
- (4) The Secretary of State may make regulations about the procedure to be followed in connection with—
 - (a) the designation of an Academy in an order under this section, and

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- (b) the inclusion in such an order of the specification required by subsection (3).
- (5) Despite section 568(3) of EA 1996 (orders to be made by statutory instrument subject to the negative procedure), as applied by section 17(4) of this Act, a statutory instrument containing an order under this section is not subject to annulment in pursuance of a resolution of either House of Parliament.

8B Constitution of Academy proprietor, collective worship and religious education

- (1) The articles of association of the proprietor of an Academy designated under section 8A must provide for a majority of the directors of the proprietor to be persons appointed for the purposes of securing, so far as practicable, that—
- (a) the character of the designated Academy reflects the tenets of the religion or religious denomination in relation to which the Academy is designated, and
 - (b) in a case where there is a trust deed affecting the designated Academy, the Academy is conducted in accordance with it.
- (2) The proprietor of an Academy designated under section 8A may (accordingly) conduct the Academy in a way that secures that the character of the Academy reflects the tenets of the religion or religious denomination in relation to which the Academy is designated (and, in particular, in a way that is in accordance with any trust deed affecting the Academy).
- (3) The proprietor of an Academy designated under section 8A must ensure that at an appropriate time on at least one day in each week during which the Academy is open an act of collective worship is held at the Academy which pupils at the Academy may attend.
- (4) The act of collective worship must—
- (a) be in such form as to comply with the provisions of any trust deed affecting the Academy, and
 - (b) reflect the traditions and practices of the religion or religious denomination in relation to which the Academy is designated.
- (5) The proprietor of an Academy designated under section 8A must ensure that religious education is provided at the Academy for all pupils who wish to receive it.
- (6) The proprietor of an Academy is to be treated as complying with subsection (5) if religious education is provided at a time or times at which it is convenient for the majority of full-time pupils to attend.
- (7) For the purposes of this section religious education may take the form of a course of lectures or classes, or of single lectures or classes provided on a regular basis, and may include a course of study leading to an examination or the award of a qualification.
- (8) The form and content of religious education provided under this section—
- (a) must be in accordance with the provisions of any trust deed affecting the Academy, and

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(b) must not be contrary to the traditions of the religion or religious denomination in relation to which the Academy is designated, but is otherwise to be determined from time to time by the proprietor of the Academy.

(9) Notwithstanding section 17(4), in this section—

- (a) “pupil” means a person receiving education at the 16 to 19 Academy;
- (b) “trust deed” includes any instrument (other than the articles or memorandum of association) regulating the constitution of the proprietor of the Academy or the maintenance, management or conduct of the Academy.”

Commencement Information

II S. 31 in force at 28.6.2022, see [s. 36\(2\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 19(2)(ga) inserted by [2023 c. 55 Sch. 4 para. 222](#)
- s. 20(7)(ca) inserted by [2023 c. 55 Sch. 4 para. 223](#)