
STATUTORY INSTRUMENTS

1998 No. 2535

**The Religious Character of Schools
(Designation Procedure) Regulations 1998**

Basis of designation and statement as to relevant religion or religious denomination

5.—(1) The Secretary of State shall designate a foundation or voluntary school as a school which has a religious character if he is satisfied that—

- (a) at least one member of the governing body of the school is a person appointed as a foundation governor to represent the interests of one or more religions or religious denominations; or
- (b) the premises provided for the school when first established were so provided on trust so that, in the event of the discontinuance of the school, the property concerned was to be held for, or sold and the proceeds of sale applied for, the benefit of one or more religions or religious denominations; or
- (c) the premises provided for the school when first established were so provided on trust in connection with—
 - (i) the provision of education, or
 - (ii) the conduct of an educational institution,

in accordance with the tenets of one or more religions or religious denominations.

(2) If the Secretary of State is not so satisfied he may nevertheless designate a foundation or voluntary school as having a religious character if he considers it appropriate to do so having regard to the practice as to religious education observed at the school before it first became a voluntary school within the meaning of the Education Act 1996 and to any representations made by any of the religious bodies set out in the Schedule hereto.

(3) The Secretary of State shall state as the relevant religion or religious denomination, the religion or religious denomination or religions or religious denominations which he considers relevant to whichever of the provisions of paragraphs (1) and (2) above is the basis for his decision to designate the school as having a religious character.