

2010 No. 2435

EDUCATION, ENGLAND

The Diocese of Guildford (Educational Endowments) (Down Road Church of England School) Order 2010

Made - - - - *5th October 2010*

Coming into force - - *8th October 2010*

WHEREAS—

(1) the endowment of the educational foundation Down Road Church of England School, in the County of Surrey (“the foundation”), comprised in a Deed dated 19th March 1885 and made between Adelaide Thrupp and Rectors and Churchwardens of Merrow, (“the Deed”) has been shown to the satisfaction of the Secretary of State for Education (“the Secretary of State”) to be or to have been held in connection with the provision of religious education in accordance with the tenets of the Church of England at a voluntary school, the premises of which have ceased to be used for the purposes of such a school;

(2) the assets representing the said endowment of the foundation (“the trust assets”) include the school site and buildings erected thereon, including any income derived therefrom whether before or after the coming into force of this Order;

(3) application for an order making new provision as to the use of the trust assets has been made to the Secretary of State by the Guildford Diocesan Board of Education, which body appears to him to be the appropriate authority of the Church of England for the purpose;

(4) notice of the proposed order and of the right of persons interested to make representations on it has been given in the manner required by section 555(2) and (3) of the Education Act 1996(a);

(5) no representations have been made on the proposed order;

NOW, THEREFORE, THE SECRETARY OF STATE FOR EDUCATION in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(b) makes the following Order—

Citation and commencement

1. This Order may be cited as the Diocese of Guildford (Educational Endowments) (Down Road Church of England School) Order 2010 and shall come into force on 8th October 2010 (“the operative date”).

(a) 1996 c.56.

(b) Section 554 is amended by paragraph 168 of Schedule 30 to the School Standards and Framework Act 1998 (c.31) and section 556 is amended by paragraph 169 of that Schedule.

Interpretation

2. In this Order—

“the Diocesan Board” means the Guildford Diocesan Board of Education;

“trust assets” means the school site and buildings erected thereon, together with any income derived therefrom (whether before or after the operative date); and

“trustee” means the Diocesan Board.

Division of foundation and trust assets

3.—(1) The trust assets must be divided into two separate trust funds, namely—

(a) the Down Road School Fund comprising eleven-fourteenths of the trust assets; and

(b) the Down Road Religious Education Fund comprising three-fourteenths of the trust assets.

(2) The apportionment of the trust assets required by virtue of this article must be made in every case, after payment of any expenses of administration in accordance with article 5(2).

Trustee and vesting

4.—(1) The Diocesan Board is appointed to be the trustee of—

(a) the foundation;

(b) the trust assets; and

(c) the Down Road School Fund established by article 3(1)(a).

(2) The Rector, Vicar, and Churchwardens for the time being of the Parish of Merrow are appointed to be the trustees of the Down Road Religious Education Fund established by article 3(1)(b).

(3) The land and hereditaments comprised in the said Deed dated 19th March 1885 which belongs to or are held in trust for the foundation are vested in the Diocesan Board for all the estate and interest of the foundation therein.

Administration of foundation

5.—(1) The Diocesan Board is authorised to sell the school site and buildings erected thereon and must, until sale, let or otherwise manage such property according to the general law applicable to the management of property held on trust for charitable purposes.

(2) Following such sale and after payment of any expenses of administration, the Diocesan Board must account for that proportion of the capital and income of the trust assets of the foundation which represents the Religious Education Fund to the trustees of the fund.

(3) The trustees of the Religious Education Fund must apply the income, and may apply the capital of that fund, for educational purposes related to the Parish of Merrow in connection with the provision of religious education in accordance with the tenets of the Church of England by means of a Sunday School or otherwise.

(4) The Diocesan Board shall hold the Down Road School Fund, on the uniform statutory trusts.

(5) In this article “uniform statutory trusts” means the trusts set out in the Schedule to this Order (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996^(a) as they apply in relation to the Down Road School Fund).

(a) Schedule 36 was amended by section 61 and paragraph 10 of Schedule 9 to the Education Act 2005.

Consolidation

6. The Down Road School Fund is to be consolidated with the Diocese of Guildford Consolidated Educational Endowments Fund and that consolidated fund must be known as Diocese of Guildford Consolidated Educational Endowments Fund.

Consultation

7. The Diocesan Board must consult the Guildford Diocesan Board of Education with regard to the exercise of the powers and functions conferred on it by this Order.

Signed by the authority of the Secretary of State

5th October 2010

Julia Gault
Deputy Director
Department for Education

SCHEDULE

Article 5 (5)

The Uniform Statutory Trusts

1. In this Schedule-

“the area” means the Diocese of Guildford;

“relevant school” means a voluntary school, a foundation school, an academy, a city technology college or a city college for the technology of the arts at which religious education in accordance with the tenets of the Church of England is or is to be provided;

“relevant trust assets” means the Down Road School Fund;

“trust assets” means the school site and buildings erected thereon, together with any income derived therefrom (whether before or after the operative date);

2. The trustees may, after payment of any expenses incurred in connection with the administration of the trust, apply the capital and income of the relevant trust assets for any of the following purposes—

- (a) in or towards the purchase of a site for, or the erection, improvement or enlargement of, the premises of any relevant school in the area;
- (b) for the maintenance of any relevant school in the area;
- (c) in or towards the purchase of a site for, or the erection, improvement or enlargement of, the premises of a teacher’s house for use in connection with any relevant school in the area; and
- (d) for the maintenance of a teacher’s house for use in connection with any relevant school in the area.

3. The trustees may also, after payment of any expenses incurred in connection with the administration of the trust, apply the income of the relevant trust assets for any of the following purposes—

- (a) in or towards the provision of advice, guidance and resources (including materials) in connection with any matter related to the management of, or education provided at, any relevant school in the area,

- (b) the provision of services for the carrying out of any inspection of any relevant school in the area required by Part I of the Education Act 2005(a); and
- (c) to defray the cost of employing or engaging staff in connection with -
 - (i) the application of income of the relevant trust assets for either of the purposes referred to in sub-paragraphs (a) and (b) above, or
 - (ii) the application of capital or income of the relevant trust assets for any of the purposes referred to in paragraph 2 above.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints the Guildford Diocesan Board of Education as trustee of the foundation known as Down Road Church of England School and makes new provision as to the use of the endowment of that foundation. It authorises the sale of specified land and buildings belonging to the foundation. It also creates a separate foundation for the purpose of providing religious education in accordance with the doctrines of the Church of England within the Parish of Mellow.

The Order provides for the relevant trust assets to be consolidated with the fund known as the Diocese of Guildford Consolidated Educational Endowments Fund and held on the uniform statutory trusts as set out in the Schedule to the Order (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996 as they apply to the relevant trust assets) for the benefit of Church of England voluntary schools, foundation schools, Academies, city technology colleges and city colleges for the technology of the arts in the Diocese of Guildford.

(a) 2005 c.18.