

**2015 No. 247**

**EDUCATION, ENGLAND**

**The Diocese of Durham (Educational Endowments) (Cleadow Village CE Infants' School) Order 2015**

*Made* - - - - *5th February 2015*

*Coming into force* - - *17th February 2015*

WHEREAS—

(1) the endowment of the educational foundation known as Cleadow Village CE Infants' School in the County of Durham ("the foundation"), has been shown to the satisfaction of the Secretary of State for Education ("the Secretary of State") to be or to have been used 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 consist of £465,831.84 being the net proceeds of sale of the former school premises invested in the Schools Buildings General Fund Account and any income derived from those assets before the coming into force of this Order;

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

(4) the Durham Diocesan Board of Finance is the trustee of the foundation;

(5) 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);

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

(7) the said endowment consists of the proceeds of sale of land in relation to which a trust under section 1 of the Reverter of Sites Act 1987(b) has arisen and the Secretary of State is satisfied that all reasonably practicable steps to trace any person who is or may become entitled as a beneficiary under the trust have been taken and that there is no claim by any such person which is outstanding (within the meaning of the said Act of 1987) or which has at any time been accepted as valid by the trustees or by persons whose acceptance binds or will bind the trustees or which has been upheld in proceedings that have been concluded (within the meaning of the said Act of 1987);

NOW, THE SECRETARY OF STATE FOR EDUCATION, in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(c), and section 5 of the Reverter of Sites Act 1987 makes the following Order—

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(a) 1996 c.56.

(b) 1987 c.15.

(c) 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.

### **Citation and commencement**

1. This Order may be cited as the Diocese of Durham (Educational Endowments) (Cleadon Village CE Infants' School) Order 2015 and shall come into force on 17th February 2015 ("the operative date").

### **Interpretation**

2. In this Order—

"relevant school" means a foundation or voluntary school at which religious education in accordance with the tenets of the Church of England is or is to be provided;

"the Diocesan Board" means the Durham Diocesan Board of Finance;

"trust assets" means the sum of £465,831.84 invested in the Schools Buildings General Fund Account representing the proceeds of sale of the former premises of the Cleadon Village CE Infants' School, together with any income derived therefrom (whether before or after the operative date); and

"trustees" means the Diocesan Board.

### **Extinguishment of rights under a Reverter of Sites Act trust**

3. The rights of any person who is or may become entitled as a beneficiary under the trust which has arisen by virtue of section 1 of the Reverter of Sites Act 1987 in respect of the trust assets are hereby extinguished.

### **Trustee and vesting**

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

(2) All funds belonging to or held in trust for the foundation immediately before the operative date (other than such land or hereditaments vested immediately before that date in the Diocesan Board or the Official Custodian for Charities) must be transferred to the Diocesan Board and all acts necessary for that purpose must be done by any persons holding such funds.

### **Administration of foundation**

5. The trustees may, after payment of any expenses incurred in connection with the administration of the trust, apply the capital and income of the 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 Diocese of Durham;
- (b) for the maintenance of any relevant school in the Diocese of Durham;
- (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 Diocese of Durham;
- (d) for the maintenance of a teacher's house for use in connection with any relevant school in the Diocese of Durham;
- (e) 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 Diocese of Durham;
- (f) the provision of services for the carrying out of any inspection of any relevant school in the Diocese of Durham required by Part 1 of the Education Act 2005(a); and

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(a) 2005 c.18.

- (g) to defray the cost of employing or engaging staff in connection with the application of capital or income of the trust assets for any of the purposes referred to in paragraphs (a) to (f).

5th February 2015

*Sally Wiseman*  
Deputy Director  
Department for Education

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order appoints the Durham Diocesan Board of Finance as trustee of the foundation known as Cleadon Village CE Infants' School and makes new provision as to the use of the endowment of that foundation.

The Order provides for the trust assets to be used for the benefit of Church of England foundation or voluntary schools in the Diocese of Durham.

The Order extinguishes the rights of any beneficiaries under the trust which has arisen under section 1 of the Reverter of Sites Act 1987 in respect of the trust assets therein mentioned.