

2017 No. 1129

EDUCATION, ENGLAND

The Diocese of Newcastle (Educational Endowments) (Byker St. Anthony's Church of England Primary School) Order 2017

Made - - - - *15th November 2017*

Coming into force in accordance with article 1

WHEREAS—

(1) the endowment of the educational foundation known as Byker St. Anthony's Church of England Primary School in the City of Newcastle upon Tyne ("the foundation"), comprised in a Deed dated 5th November 1965 and made between (1) Lord Mayor Alderman and Citizens of the City and County of Newcastle upon Tyne and (2) Newcastle Diocesan Education Committee, ("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 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 £9,049.50 being the net proceeds of sale of the former school premises held in the Diocese CCLA account of the Diocese of Newcastle 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 Newcastle Diocesan Education Board, which body appears to her to be the appropriate authority of the Church of England for this purpose.

(4) the Newcastle Diocesan Education Board 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.

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

Citation and commencement

1. This Order may be cited as the Diocese of Newcastle (Educational Endowments) (Byker St. Anthony's Church of England Primary School) Order 2017 and shall come into force on the day after the day on which it is made ("the operative date").

(a) 1996 c.56.

(b) Sections 554 and 556 were amended by Schedule 30 to the School Standards and Framework Act 1998 (c.31).

Interpretation

2. In this Order—

“the Diocesan Board” means the Newcastle Diocesan Education Board; and

“trust assets” means the sum of £9,049.50 held in the Diocese CCLA account of the Diocese of Newcastle representing the proceeds of sale of the former school premises of Byker St. Anthony’s Church of England Primary School, together with any income derived therefrom (whether before or after the operative date).

Trustee and vesting

3.—(1) The Diocesan Board is appointed to be 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 shall be done by any persons holding such funds.

Administration of foundation

4.—(1) After payment of any expenses of administration, the Diocesan Board must hold the trust assets on the uniform statutory trusts.

(2) 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 trust assets).

Signed by the authority of the Secretary of State

15th November 2017

Louise Whitesman
Deputy Director
Department for Education

SCHEDULE

Article 4(2)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Newcastle; and

“relevant school” means a voluntary school, a foundation school, an academy school, an alternative provision 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.

2. The trustees may, after the 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 area;

(a) 1996 c.56. Schedule 36 was amended by paragraph 10 of Schedule 9 to the Education Act 2005 (c.18).

- (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 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 relating 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 1 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 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 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 Newcastle Diocesan Education Board as trustee of the foundation known as Byker St. Anthony's Church of England Primary School and makes new provision as to the use of the endowment of that foundation.

The Order provides for the trust assets to be held on the uniform statutory trusts as set out in the Schedule to this Order (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996 as they apply to the trust assets) for the benefit of Church of England voluntary schools, foundation schools, academy schools, alternative provisions academies, city technology colleges, and city colleges for the technology of the arts in the Diocese of Newcastle.

(a) 2005 c.18.