

2017 No. 1170

EDUCATION, ENGLAND

The Diocese of Lichfield (Educational Endowments) (High Offley (St. Mary's) Church of England First School) Order 2017

Made - - - - *24th November 2017*

Coming into force in accordance with article 1

WHEREAS—

(1) the endowment of the educational foundation known as High Offley (St. Mary's) Church of England First School in the County of Staffordshire ("the foundation"), comprised in a Deed dated 26th November 1860 and made between (1) Miss Theodosia Hinckes and (2) the Archdeacon of Stafford, 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 consist of £57,982.69 being the net proceeds of sale of the former school premises and teacher's house comprised in the Deed dated 26th November 1860 held in the Deposit Fund of the Central Board of Finance of the Church of England 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 Lichfield Diocesan Board of Education, which body appears to the Secretary of State 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;

(6) 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);

(a) 1996 c.56.

(b) 1987 c.15. Section 1 was amended by Schedule 2 to the Trusts of Land and Appointment of Trustees Act 1996 (c.47).

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(a) and section 5(1)(b) of the Reverter of Sites Act 1987—

Citation and commencement

1. This Order may be cited as the Diocese of Lichfield (Educational Endowments) (High Offley (St. Mary’s) Church of England First School) Order 2017 and comes into force on the day after the day on which it is made (“the operative date”).

Interpretation

2. In this Order—

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

“trust assets” means the sum of £57,982.69 held in the Deposit Fund of the Central Board of Finance of the Church of England representing the proceeds of sale of the premises of the High Offley (St. Mary’s) Church of England First School and teacher’s house, together with any income derived therefrom (whether before or after the operative date).

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.

Division of foundation and trust assets

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

- (a) the High Offley Church of England School Fund (“the School Fund”) comprising eleven-fourteenths of the trust assets; and
- (b) the High Offley Church of England Religious Education Fund (“the Religious Education Fund”) comprising three-fourteenths of the trust assets.

(2) The apportionment of the trust assets required by virtue of this article is to be made in every case, after payment of any expenses of administration in accordance with article 6(1).

Trustee and vesting

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

- (a) the foundation;
- (b) the trust assets; and
- (c) the School Fund established by article 4(1)(a).

(2) The Vicar and Churchwardens for the time being of the Parish of High Offley are appointed to be the trustees of the Religious Education Fund established by article 4(1)(b).

(3) All funds belonging to or held in trust for the foundation immediately before the operative date must be transferred to the Diocesan Board and all acts necessary for that purpose shall be done by any persons holding such funds.

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

(b) Section 5(1) was amended by Schedule 37 to the Education Act 1996 (c.56).

Administration of foundation

6.—(1) 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 that fund.

(2) 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 High Offley 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.

(3) The Diocesan Board must hold the School Fund on the uniform statutory trusts.

(4) 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 relevant trust assets).

Consolidation

7. The School Fund must be consolidated with the Barchester Fund(b) and the consolidated fund must be known as the Barchester Fund.

24th November 2017

Louise Whitesman
Deputy Director
Department for Education

SCHEDULE

Article 6(4)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Lichfield;

“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;

“relevant trust assets” means the School Fund;

“the trustee” means the Diocesan Board.

2. The trustee 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

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

(b) The Barchester Fund’s trustee is the Diocesan Board. The assets of the Barchester Fund are held on the uniform statutory trusts.

- (d) for the maintenance of a teacher's house for use in connection with any relevant school in the area.

3. The trustee 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 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 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 Lichfield Diocesan Board of Education as trustee of the foundation known as High Offley (St Mary's) Church of England First School and makes new provision as to the use of the endowment of that foundation. It 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 High Offley.

The Order provides for the relevant trust assets to be consolidated with the fund known as the Barchester 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, academy schools, alternative provisions academies, city technology colleges and city colleges for the technology of the arts in the Diocese of Lichfield.

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

(a) 2005 c.18.