

2017 No. 708

EDUCATION, ENGLAND

The Diocese of Canterbury (Educational Endowments) (Capel-le-Ferne Primary School) Order 2017

Made - - - - *22nd June 2017*

Coming into force in accordance with article 1

WHEREAS—

(1) the endowment of the educational foundation known as Capel-le-Ferne Primary School in the County of Kent (“the foundation”), comprised in a Deed dated 18th November 1911 and made between (1) Dame Susan Millicent Staveley and (2) The Most Honorable John Charles Marquis Camden and others and (3) The Reverend Alfred Robert Jackman and the Churchwardens of the Church of Capel-le-Ferne (“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 consist of £155,741.03 being the net proceeds of sale of the former school premises comprised in the Deed and held by the Diocese of Canterbury 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 trust assets has been made to the Secretary of State by the Canterbury 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) the Canterbury 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.

NOW, 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 Canterbury (Educational Endowments) (Capel-le-Ferne Primary School) Order 2017 and shall come into force on the day after the day it is made (“the operative date”).

(a) 1996 c.56.

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

Interpretation

2. In this Order—

“the Diocesan Board” means the Canterbury Diocesan Board of Finance;

“trust assets” means the sum of £155,741.03 representing the net proceeds of sale of the premises of the Capel-le-Ferne Primary School held by the Diocese of Canterbury together with any income derived therefrom (whether before or after the operative date); and

“trustees” means the Diocesan Board.

Trustee and vesting

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

(2) The 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.

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).

Consolidation

5. The trust assets must be consolidated with the Canterbury Diocesan Board of Education General Fund and that consolidated fund must be known as the Canterbury Diocesan Board of Education General Fund.

Consultation

6. The Diocesan Board must consult the Canterbury 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

22nd June 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 Canterbury;

“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

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

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 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;
- (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 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 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 Canterbury Diocesan Board of Finance as trustee of the foundation known as Capel-le-Ferne 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 consolidated with the fund known as the Canterbury Diocesan Board of Education General 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 trust assets) for the benefit of Church of England voluntary schools, foundation schools, academy schools, alternative provision academies, city technology colleges and city colleges for the technology of the arts in the Diocese of Canterbury.

(a) 2005 c.18.