

2010 No. 2433

EDUCATION, ENGLAND

**The Diocese of Worcester (Educational Endowments) (St
Barnabas Church of England Primary School) Order 2010**

Made - - - - *5th October 2010*

Coming into force - - *8th October 2010*

WHEREAS—

(1) the endowment of the educational foundation known as St Barnabas Church of England Primary School in the County of Worcester (“the foundation”), comprised in a Deed dated 19th March 1892 and made between (1) The Reverend Charles Jerram Hunt and (2) The Minister and Churchwardens of the Ecclesiastical District of Saint Barnabas and a Deed dated 20th August 1912 and made between (1) Fanny Gillam and others and (2) the Trustees of the Worcester Diocesan Trust Deed 1895, (“the Deeds”) 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 £456,161 being the interest on the net proceeds of sale of the former school premises comprised in the Deeds immediately prior to determination of such net proceeds of sale in favour of the Local Authority pursuant to the Education Acts, on deposit at the Central Board of Finance 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 Worcester Diocesan Board of Finance Limited, which body appears to him to be the appropriate authority of the Church of England for the purpose;

(4) The Worcester Diocesan Board of Finance Limited 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, 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:—

(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.

Citation and commencement

2. This Order may be cited as The Diocese of Worcester (Educational Endowments) (St Barnabas Church of England Primary School) Order 2010 and shall come into force on 8th October 2010 (“the operative date”).

Interpretation

3. In this Order—

“the Diocesan Board” means The Worcester Diocesan Board of Finance Limited;

“trust assets” means the sum of £456,161 invested in the Central Board of Finance of the Church of England, representing the interest on the proceeds of sale of the premises of St Barnabas Church of England Primary School immediately prior to determination of such net proceeds of sale in favour of the Local Authority pursuant to the Education Acts, together with any income derived therefrom (whether before or after the operative date); and

“trustee” means the Diocesan Board.

Trustee and vesting

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

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

Administration of foundation

5.—(1) After payment of any expenses of administration, the Diocesan Board shall 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

6. The trust assets must be consolidated with the Worcester Diocesan Church Schools Improvement and Maintenance Fund.

Consultation

7. The Diocesan Board shall consult the Worcester 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

(a) Schedule 36 was amended by section 61 and paragraph 10 of Schedule 9 to the Education Act 2005(c.18).

SCHEDULE

Article 5(2)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Worcester;

“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.

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 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 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 Worcester Diocesan Board of Finance Limited as trustee of the trust assets of the foundation known as St Barnabas 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 consolidated with the fund known as Worcester Diocesan Church Schools Improvement and Maintenance 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, Academies, city technology colleges and city colleges for the technology of the arts in the Diocese of Worcester.

(a) 2005 c.18.