

2010 No. 2436

EDUCATION, ENGLAND

The Diocese of Lichfield (Educational Endowments) (Croxton National School) Order 2010

Made - - - - *5th October 2010*

Coming into force - - *8th October 2010*

WHEREAS—

(1) the endowment of the educational foundation known as Croxton National School in the County of Staffordshire (“the foundation”), comprised in a Deed dated 9th February 1872 and made between (1) The Reverend John David Glennie and (2) The Vicar and Churchwardens of Croxton, (“the Deed”), and referred to in the Statutory Declarations of Alan Spender Lee made on 13th May 1998 and of Gerald Meadows made on 11th May 1998, 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 £69,595.88 being the net proceeds of sale of the former school premises comprised in the Deed dated 9th February 1872, and referred to in the Statutory Declarations, held in a 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 him to be the appropriate authority of the Church of England for the purpose;

(4) the endowment of the foundation known as Croxton National School is vested in the Vicar and Churchwardens of Croxton as custodian trustees;

(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 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) (“the 1987 Act”) 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 1987 Act) 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 1987 Act) and that consent to the making of an order under section 554 of the Education Act 1996

(a) 1996 c.56.
(b) 1987 c.15.

(a) has been given by every person whose claim to be such a person is outstanding (within the meaning of the 1987 Act) 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 1987 Act).

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) and section 5 of the Reverter of Sites Act 1987, makes the following Order:—

Citation and commencement

1. This Order may be cited as the Diocese of Lichfield (Educational Endowments) (Croxton National School) Order 2010 and shall come into force on 8th October 2010 (“the operative date”).

Interpretation

2. In this Order—

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

“trust assets” means the sum of £69,595.88 (sixty thousand, five hundred and ninety five pounds and eighty eight pence) invested in a Deposit Fund of the Central Board of Finance of the Church of England representing the proceeds of sale of the premises of the Croxton National 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 1987 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 proceeds of the sale of property are extinguished.

Division of foundation and trust assets

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

- (a) the Croxton National School Fund comprising eleven-fourteenths of the trust assets; and
- (b) the Croxton Religious Education Fund comprising three-fourteenths of the trust assets.

(2) The apportionment of the trust assets required by virtue of this article must 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 hereby appointed to be the trustee of—

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

(2) The Principal Officiating Minister and Churchwardens for the time being of the Parish of Croxton are appointed to be the trustees of the Croxton Religious Education Fund established by article 4(1)(b).

(a) Section 544 is amended by paragraph 168 of Schedule 30 to the School Standards and Framework Act 1998(c.31).

(b) Section 556 is amended by paragraph 169 of Schedule 30 to the School Standards and Framework Act 1998 (c.31).

(3) All funds belonging to or held in trust for the foundation or for any person entitled as a beneficiary under a trust that has arisen under section 1 of the Reverter of Sites Act 1987 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) shall 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

6.—(1) After payment of any expenses of administration, the Diocesan Board shall account for that proportion of the capital and income of the trust assets of the foundation which represent the Croxton Religious Education Fund.

(2) The trustees of the Croxton Religious Education Fund shall apply the income, and may apply the capital thereof, for educational purposes related to the Parish of Croxton 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 shall hold the Croxton National 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 Croxton National School Fund.

Consolidation

7. The Croxton National School Fund shall be consolidated with The Barchester Fund and that consolidated fund must be known as The Barchester Fund.

Signed by the authority of the Secretary of State

5th October 2010

Julia Gault
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, 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 Croxton National School Fund;

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 relevant trust assets for any of the following purposes—

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

- (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 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 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 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)

The Order provides for the relevant trust assets to be consolidated with the fund known as Croxton National School 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, 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 relevant trust assets therein mentioned.

(a) 2005 c.18.