

2011 No. 1996

EDUCATION, ENGLAND

The Diocese of Bristol (Educational Endowments) (Colerne Church of England School) Order 2011

Made - - - - *11th August 2011*

Coming into force - - *2nd September 2011*

WHEREAS—

(1) the endowment of the educational foundation relating to the former teacher's house at the former Colerne Church of England School site in the county of Wiltshire ("the foundation"), comprised in a Deed dated 7 April 1848 and made between The Reverend Gilbert Heathcote and The Lord Bishop of Gloucester and Bristol and the Warden of New College Oxford and the Vicar and Churchwardens of the Parish of Colerne 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 £251,502.17 being the net proceeds of sale of the former teacher's house comprised in the Deed dated 7 April 1848 and invested in the name of The Bristol Diocesan Board of Finance Limited 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 Bristol Diocesan Board of Education, which body appears to him 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;

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), hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the Diocese of Bristol (Educational Endowments) (Colerne Church of England School) Order 2011 and shall come into force on 2nd September 2011 ("the operative date").

(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.

Interpretation

2. In this Order—

“the Diocesan Board” means the Bristol Diocesan Board of Finance Limited;

“trust assets” means the sum of £251,502.17 invested in a bank deposit account representing the proceeds of the former school house of the former Colerne Church of England School, together with any income derived therefrom (whether before or after the operative date); and

“trustees” means the Diocesan Board.

Division of foundation and trust assets

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

- (a) the Colerne Church of England School Fund comprising eleven-fourteenths of the trust assets; and
- (b) the Colerne Church of England 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 5(1).

Trustee and vesting

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

- (a) the trust assets; and
- (b) the Colerne Church of England School Fund established by article 3(1)(a).

(2) The Incumbent of the Benefice which for the time being includes the Parish of Colerne and the Churchwardens for the time being of the Parish of Colerne are hereby appointed to be the trustees of the Colerne Church of England Religious Education Fund established by article 3(1)(b) provided that—

- (a) during any period when there is no Incumbent as aforesaid or the Bishop declares a period of suspension in respect of the Benefice the Priest for the time being in charge of the Benefice shall by virtue of his office be a trustee of the said fund; and
- (b) if at any time the Church Commissioners make a Pastoral Scheme dissolving the present Benefice the Incumbent of a new Benefice which incorporates the whole or a major part of the present Benefice shall by virtue of his office be trustee of the said fund.

Administration of foundation

5.—(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 respectively the Colerne Church of England Religious Education Fund, to the trustees of the 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 Colerne 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 Colerne Church of England 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 Colerne Church of England School Fund relevant trust assets).

(a) 1996 c. 56.

Consultation

6. The Diocesan Board must consult the Bristol 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

11th August 2011

Julia Gault
Deputy Director
Department for Education

SCHEDULE

Article 5(4)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Bristol;

“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 Colerne Church of England 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) 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.

(a) 2005 c.18.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints the Bristol Diocesan Board of Finance Limited as trustee of the proceeds of sale of the former school house of the former Colerne Church of England 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 Colerne.

The Order provides for the relevant trust assets to be 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 Bristol.