
STATUTORY INSTRUMENTS

2018 No. 531

EDUCATION, ENGLAND

**The Diocese of Lincoln (Educational Endowments)
(Saxilby Church of England School) Order 2018**

Made - - - - 26th April 2018

Coming into force in accordance with article 1

It has been shown to the satisfaction of the Secretary of State for Education (“the Secretary of State”) that the endowment of the educational foundation known as Saxilby Church of England School in the County of Lincolnshire is or has 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.

The endowment is comprised in the deed of the foundation, being a deed dated 16th October 1845 and made between (1) the Reverend Edward Garfit and (2) the Reverend William Brocklehurst Stonehouse, the Reverend Charles Macquaric George Jarvis and the Reverend George James Atkinson.

Lincoln Diocesan Trust and Board of Finance Limited is the trustee of the foundation.

The proceeds of sale of the former school premises, being part of the land comprised in the deed, were the subject of a determination in favour of Lincolnshire Local Education Authority on 4th June 1981 by the Secretary of State for Education and Science pursuant to paragraph 7 of Schedule 1 to the Education Act 1946(1).

Application for an order making new provision as to the use of the remainder of the endowment comprising the proceeds of sale of the teacher’s house has been made to the Secretary of State by Lincoln Diocesan Trust and Board of Finance Limited, which body appears to the Secretary of State to be the appropriate authority of the Church of England for the purpose.

The assets representing the endowment of the foundation consist of £66,015.49 being the net proceeds of sale of the former teacher’s house (being part of the land comprised in the deed) and held on deposit at CCLA Investment Management Limited and any income derived from those assets before the coming into force of this Order.

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(2).

No representations have been made on the proposed Order.

(1) 1946 c. 50. This Act was repealed by Part 1 of Schedule 38 to the Education Act 1996 (c. 56) but the details of the repeal are not relevant to this Order.
(2) 1996 c. 56.

Accordingly, the Secretary of State makes the following Order in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(3)—

Citation and commencement

1. This Order may be cited as the Diocese of Lincoln (Educational Endowments) (Saxilby Church of England School) Order 2018 and comes into force on the day after the day on which it is made (“the operative date”).

Interpretation

2. In this Order—

“the deed” means the deed of the foundation being a deed dated 16th October 1845 and made between (1) the Reverend Edward Garfit and (2) the Reverend William Brocklehurst Stonehouse, the Reverend Charles Macquaric George Jarvis and the Reverend George James Atkinson;

“the endowment” means the endowment comprised in the deed;

“the foundation” means the educational foundation known as Saxilby Church of England School;

“the Diocesan Board” means Lincoln Diocesan Trust and Board of Finance Limited; and

“trust assets” means the sum of £66,015.49 held on deposit at CCLA Investment Management Limited representing the remaining endowment of the foundation and being the proceeds of sale of the teacher’s house, together with any income derived therefrom (whether before or after the operative date).

Division of foundation and trust assets

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

(a) the Saxilby Church of England School Fund (“the School Fund”), comprising eleven-fourteenths of the trust assets; and

(b) the Saxilby Church of England School 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 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 foundation;

(b) the trust assets; and

(c) the School Fund established by article 3(1)(a).

(2) The Vicar and Churchwardens for the time being of the Parish of Saxilby are hereby appointed to be the trustees of the Religious Education Fund established by article 3(1)(b).

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

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 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 Saxilby 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 trust on the terms set out in the Schedule (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996⁽⁴⁾).

Consolidation

6. The School Fund must be consolidated with the School Buildings Section 86/2 accumulated funds⁽⁵⁾ and that consolidated fund shall be known as the School Buildings Section 86/2 accumulated funds.

Consultation

7. The Diocesan Board must consult Lincoln 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

26th April 2018

Louise Whitesman
Deputy Director
Department for Education

⁽⁴⁾ 1996 c. 56. Schedule 36 was amended by paragraph 10 of Schedule 9 to the Education Act 2005 (c. 18).

⁽⁵⁾ The School Buildings Section 86/2 accumulated funds' trustee is the Diocesan Board. The assets of the School Buildings Section 86/2 accumulated funds are held on the uniform statutory trusts.

SCHEDULE

Article 5(3)

1. In this Schedule—

“the area” means the Diocese of Lincoln;

“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;

“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
- (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(6); 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.

(6) 2005 c. 18.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes new provision as to the use of the remaining endowment of the foundation known as Saxilby Church of England School. It requires the foundation's trustee, Lincoln Diocesan Trust and Board of Finance Limited, to divide the foundation's remaining trust assets into a School Fund and a Religious Education Fund.

The Order provides for the Religious Education Fund to be held on trust by the vicar and churchwardens of the Parish of Saxilby for the purpose of providing religious education in accordance with the doctrines of the Church of England within that parish.

The Order includes provision that requires Lincoln Diocesan Trust and Board of Finance Limited to consolidate the School Fund with the fund known as the School Buildings Section 86/2 accumulated funds and hold it on the uniform statutory trusts set out in the Schedule to the Order (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996) 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 Lincoln.