

2024 No. 1034

EDUCATION, ENGLAND

**The Diocese of Ely (Educational Endowments) (The Old
Parochial School) Order 2024**

Made - - - - *16th October 2024*

Coming into force - - *17th October 2024*

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 The Old Parochial School, Sawston, in the county of Cambridgeshire 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 a deed dated 27 November 1841 and made between (1) James Howell and James Buckpit (trustees of a dissenting meeting house) and (2) Reverend Edwin Daniel Vicar of Sawston, and the Reverend Joseph Singleton Vicar of Babraham and the Reverend Charles Mules Vicar of Pampisford all in the county of Cambridgeshire.

The assets representing the endowment consist of: (a) £108,916 being the net proceeds of sale of the former school premises and held on deposit by the Ely Diocesan Board of Finance and (b) any income derived from those assets before the coming into force of this Order.

Application for an order making new provision as to the use of the endowment has been made to the Secretary of State by the Ely Diocesan Board of Finance, which body appears to the Secretary of State to be the appropriate authority of the Church of England for the purpose.

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).

No representations have been made on the proposed Order.

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(b).

(a) 1996 c. 56.

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

Citation and commencement

1. This Order may be cited as the Diocese of Ely (Educational Endowments) (The Old Parochial School) Order 2024 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 27 November 1841 and made between (1) James Howell and James Buckpit (trustees of a dissenting meeting house) and (2) Reverend Edwin Daniel Vicar of Sawston, and the Reverend Joseph Singleton Vicar of Babraham and the Reverend Charles Mules Vicar of Pampisford all in the county of Cambridgeshire;

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

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

“the foundation” means the educational foundation known as The Old Parochial School, Sawston;

“trust assets” means the sum of £108,916 held on deposit account by the Ely Diocesan Board of Finance representing the net proceeds of sale of the former premises of The Old Parochial School, together with any income derived from those assets (whether before or after the operative date);

“trustee” means the Diocesan Board.

Trustee and vesting

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

(2) All 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 must be done by any persons holding such funds.

Administration of foundation

4. After payment of any expenses of administration the Diocesan Board must hold the trust assets on the terms set out in the Schedule (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996(a)).

Consultation

5. The Diocesan Board must consult the Ely Diocesan Board of Education with regard to the exercise of the powers and functions conferred on it by this Order.

Consolidation

6. The trust assets must be consolidated with the Ely Diocesan Board of Education Barchester Scheme Fund(b) and that consolidated fund must be known as the Ely Diocesan Board of Education Barchester Scheme Fund.

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

(b) The trustee of the Ely Diocesan Board of Education Barchester Scheme Fund is the Diocesan Board. The assets of the Ely Diocesan Board of Education Barchester Scheme Fund are held on the uniform statutory trusts.

Signed by the authority of the Secretary of State

16th October 2024

Louise Whitesman
Deputy Director
Department for Education

SCHEDULE

Article 4

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Ely;

“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.

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 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 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 Ely Diocesan Board of Finance as trustee of the foundation known as The Old Parochial School and makes new provision as to the use of the endowment of that foundation.

(a) 2005 c. 18.

The Order provides for the trust assets to be consolidated with the fund known as the Ely Diocesan Board of Education Barchester Scheme 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) 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 Ely.