

2024 No. 200

EDUCATION, ENGLAND

The Diocese of Derby (Educational Endowments) (Starkholmes Church of England School) Order 2024

Made - - - - 22nd February 2024

Coming into force - - 23rd February 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 Starkholmes Church of England School in the County of Derby, 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 9th December 1878 and made between (1) Frederic Charles Arkwright and (2) Charles Childers Radford, The Reverend William Rylance Melville, Gerrard Andrewes Wigram, George Siddall and John Harris.

The assets representing the endowment consist of the school site and buildings erected thereon, including 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 Derby Diocesan Board of Education, 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).

Citation and commencement

1. This Order may be cited as the Diocese of Derby (Educational Endowments) (Starkholmes Church of England School) Order 2024 and comes into force on the day after the day on which it is made (“the operative date”).

(a) 1996 c. 56.

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

Interpretation

2. In this Order—

“the deed” means a Deed dated 9th December 1878 and made between (1) Frederic Charles Arkwright and (2) Charles Childers Radford, The Reverend William Rylance Melville, Gerrard Andrewes Wigram, George Siddall and John Harris;

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

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

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

“trust assets” means the school site and buildings erected thereon, together with any income derived from those assets (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 Starkholmes Church of England School Fund (“the School Fund”) comprising eleven-fourteenths of the trust assets; and

(b) the Starkholmes Church of England 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 Rector and Churchwardens for the time being of the Parish of Matlock are hereby appointed to be the trustees of the Starkholmes Religious Education Fund established by article 3(1)(b).

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 trustee of that fund.

(2) The trustee 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 Matlock 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 the uniform statutory trusts.

(4) After payment of any expenses of administration, the Diocesan Board must hold the trust assets 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(a)).

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

Consolidation

6. The School Fund must be consolidated with the Derby Diocesan Board of Education Uniform Statutory Trust fund(a) and that consolidated fund must be known as the Derby Diocesan Board of Education Uniform Statutory Trust fund.

Signed by authority of the Secretary of State

22nd February 2024

Louise Whitesman
Deputy Director
Department for Education

SCHEDULE

Article 5(4)

1. In this Schedule—

“the area” means the Diocese of Derby;

“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 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 relevant 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(b); 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) The trustee of the Derby Diocesan Board of Education Uniform Statutory Trust Fund is the Diocesan Board. The assets of the Derby Diocesan Board of Education Uniform Statutory Trust Fund are held under the uniform statutory trusts.

(b) 2005 c. 18.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints the Derby Diocesan Board of Education as trustee of the foundation known as Starkholmes Church of England School and makes new provision as to the use of that foundation.

The Order provides for the Religious Education Fund to be held on trust by the Rector and Churchwardens for the time being of the Parish of Matlock 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 the School Fund to be consolidated with the fund known as the Derby Diocesan Board of Education Uniform Statutory Trust 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 Derby.