

**2024 No. 202**

**EDUCATION, ENGLAND**

**The Diocese of Salisbury (Educational Endowments)  
(Winterbourne Earls Church of England Primary 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 Winterbourne Earls Church of England Primary School in the County of Wiltshire 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 trust deed dated 7th November 1867 and made between (1) The Ecclesiastical Commissioners for England and (2) The Right Reverend Walter Kerr Lord Bishop of Salisbury, as amended by a Charity Commission Order dated 16th November 1888.

The proceeds of sale of the former school premises, comprised in the above-mentioned deed, were the subject of an agreement between Wiltshire Council and the Diocese of Salisbury, pursuant to paragraph 2(6) of Schedule 3 to the School Standards and Framework Act 1998(a) whereby £36,000 of the said proceeds of sale were paid to Wiltshire Council.

The assets representing the endowment consist of: (a) £149,641.96 being the net proceeds of sale of the school premises comprised in the deed of the foundation and held by the Salisbury Diocesan Board of Finance in a deposit account; (b) the former teacher’s house also comprised in the deed of the foundation; and (c) 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 Salisbury 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(b).

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(a) 1998 c. 31 (“the 1998 Act”). The transitional and saving provisions contained in paragraph 10(2) of Schedule 32 to the 1998 Act apply. Paragraph 2 of Schedule 3 to the 1998 Act is amended by paragraph 10(2) of Schedule 2 to S.I. 2010/1158 and paragraph 22 of Schedule 4 to the Education and Inspections Act 2006 (c.40). There are other amendments to paragraph 2 of Schedule 3 to the 1998 Act, but they are not relevant to this Order.

(b) 1996 c. 56.

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(a).

### **Citation and commencement**

1. This Order may be cited as the Diocese of Salisbury (Educational Endowments) (Winterbourne Earls Church of England Primary 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 a trust deed dated 7th November 1867 and made between (1) The Ecclesiastical Commissioners for England and (2) The Right Reverend Walter Kerr Lord Bishop of Salisbury, as amended by a Charity Commission Order dated 16th November 1888;

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

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

“the foundation” means the educational foundation known as Winterbourne Earls Church of England Primary School;

“trust assets” means:

(a) £149,641.96 being the net proceeds of sale of the school premises comprised in the deed of the foundation and held by the Salisbury Diocesan Board of Finance in a deposit account;

(b) the former teacher’s house also comprised in the deed of the foundation;

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 Winterbourne Earls Church of England Primary School Fund (“the School Fund”) comprising eleven-fourteenths of the trust assets; and

(b) the Winterbourne Earls Church of England Primary 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—

(a) in the case of the former teacher’s house, after sale and/or realisation thereof under that article; and

(b) in every case after payment of any expenses of administration in accordance with article 5(2).

### **Trustee and vesting**

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

(a) the foundation;

(b) the trust assets; and

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

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

(2) The Incumbent and Churchwardens of the Parish of Winterbourne Earls and Dauntsey are hereby appointed to be the trustees of the Religious Education Fund established by article 3(1)(b).

(3) The 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 persons holding such funds.

### **Administration of foundation**

5.—(1) The Diocesan Board is authorised to sell the former teacher’s house and must, until sale, let or otherwise manage such property according to the general law applicable to the management of property held on trust for chargeable purposes.

(2) 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.

(3) 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 Winterbourne Earls and Dauntsey 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.

(4) The Diocesan Board must hold the School Fund on the terms set out in the Schedule (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996(a)).

### **Consolidation**

6. The School Fund must be consolidated with the fund known as the Diocese of Salisbury Consolidated Educational Endowments(b) and that consolidated fund must be known as The Diocese of Salisbury Consolidated Educational Endowments.

Signed by the authority of the Secretary of State

22nd February 2024

*Louise Whitesman*  
Deputy Director  
Department for Education

## **SCHEDULE**

Article 5

### **1. In this Schedule—**

“the area” means the Diocese of Salisbury;

“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—

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

(b) The trustee of the Diocese of Salisbury Consolidated Educational Endowments is the Diocesan Board. The assets of the Diocese of Salisbury Consolidated Educational Endowments are held under the uniform statutory trusts.

- (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(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)*

This Order appoints the Salisbury Diocesan Board of Education as trustee of the foundation known as Winterbourne Earls Church of England Primary 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 Winterbourne Earls and Dauntsey.

The Order provides for the relevant trust assets to be consolidated with the fund known as The Diocese of Salisbury Consolidated Educational Endowments and 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) 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 Salisbury.

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(a) 2005 c. 18.