

2011 No. 453

EDUCATION, ENGLAND

The Diocese of York (Educational Endowments) (Escrick Church of England Primary School) Order 2011

Made - - - - *21st February 2011*

Coming into force - - *25th March 2011*

WHEREAS—

(1) the endowment of the educational foundation known as Escrick Church of England Primary School in the Parish of Selby (“the foundation”), comprised in a Deed dated 2 March 1954 and made between (1) The Honourable Irene Constance Forbes Adam and (2) The York Diocesan Board of Finance, has been shown to the satisfaction of the Secretary of State for Education (“the Secretary of State”) to be or to have been used in connection with the provision of religious education in accordance with the tenets of the Church of England as a voluntary school, the premises of which have ceased to be used for the purposes of such a school; and the Secretary of State is satisfied that the requirements of section 554(3) of the Education Act 1996 are fulfilled;

(2) the assets representing the said endowment of the foundation consist of £346,648.06 being the net proceeds of sale of the former school premises comprised in the Deed dated 2 March 1954 and on deposit at the York Diocesan Board of Education’s Uniform Statutory Trust Account 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 York Diocesan Board of Education, which body appears to him to be the appropriate authority of the Church of England for the purpose;

(4) the York Diocesan Board of Finance is the trustee of the foundation;

(5) 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);

(6) no representations have been made on the proposed order;

(7) the said endowment consists of the proceeds of sale of property in relation to which a trust under section 1 of the Reverter of Sites Act 1987(b) has arisen; and the Secretary of State is satisfied that all reasonably practicable steps to trace any person who is or may become entitled as a beneficiary under the trust have been taken and that consent to the making of an order under section 554 of the Education Act 1996 has been given by every person whose claim to be such a person is outstanding (within the meaning of the said Act of 1987) or which has at any time been accepted as valid by the trustees or by persons whose acceptance binds or will bind the trustees, or which has been upheld in proceedings that have been concluded (within the meaning of the said Act of 1987);

(a) 1996 c.56.

(b) 1987 c.15.

NOW, THEREFORE, THE SECRETARY OF STATE FOR EDUCATION, in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(a) and section 5 of the Reverter of Sites Act 1987, hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the Diocese of York (Educational Endowments) (Escrick Church of England Primary School) Order 2011 and shall come into force on 25th March 2011 (“the operative date”).

Interpretation

2. In this Order—

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

“trust assets” means the sum of £346,648.06 invested in the York Diocesan Board of Education’s Uniform Statutory Trust Account representing the proceeds of sale of the premises of the Escrick Church of England Primary School, together with any income derived therefrom (whether before or after the operative date); and

“trustees” means the Diocesan Board.

3. The rights of any person who is or many become entitled as a beneficiary under the trust which has arisen by virtue of section 1 of the Reverter of Sites Act 1987 in respect of the trust assets are hereby extinguished.

Administration of foundation

4.—(1) After payment of any expenses of administration, the trustees must hold the trust assets on the uniform statutory trusts.

(2) 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 as they apply in relation to the Escrick Church of England Primary School Fund trust assets).

Consolidation

5. The trust assets shall be consolidated with the York Diocesan Board of Education’s Uniform Statutory Trust Fund and that consolidated fund must be known as the York Diocesan Board of Education’s Uniform Statutory Trust Fund.

21st February 2011

Julia Gault
Deputy Director
Department for Education

SCHEDULE

Article 4(2)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of York; and

(a) 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.

“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.

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 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 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 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 Regulations)

This Order makes new provision as to the use of the endowment of the foundation known as Escrick Church of England Primary School.

The Order provides for the trust assets to be consolidated with the fund known as the York Diocesan Board of Education’s Uniform Statutory Trust 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 as they apply to the 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 York.

The Order extinguishes the rights of any beneficiary under the trust which has arisen under section 1 of the Reverter of Sites Act 1987 in respect of the trust assets.

(a) 2005 c.18.