

2013 No. 1221

EDUCATION, ENGLAND

**The Diocese of Lichfield (Educational Endowments) (St John’s
Church of England School) Order 2013**

Made - - - - 23rd May 2013

Coming into force - - 14th June 2013

WHEREAS—

(1) the endowment of the educational foundation relating to the teachers’ house at the St John’s Church of England School, Wetley Rocks, in the County of Staffordshire (“the foundation”), comprised in a Deed dated 20 May 1843 and made between (1) The Reverend John Sneyd, (2) John Stevenson Salt, (3) William Sneyd, Francis Leigh, William Parker and the Reverend Henry Sneyd, and (4) the Minister and Chapel Wardens of the Episcopal Chapel of St John at Wetley Rocks in the Parish of Cheddleton (“the Deed”) has been shown to the satisfaction of the Secretary of State for Education (“the Secretary of State”) to be or to have 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;

(2) the assets representing the said endowment of the foundation consist of £89,980.29 being the net proceeds of sale of the former teachers’ house at Mill Lane, Wetley Rocks comprised in the Deed and held in the Deposit Fund of the Central Board of Finance of the Church of England 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 Lichfield Diocesan Board of Education, which body appears to him to be the appropriate authority of the Church of England for the purpose;

(4) 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;

(5) the said endowment consists of the proceeds of sale of land 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 there is no claim by any such person which 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):

THE SECRETARY OF STATE FOR EDUCATION, in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(c) makes the following Order—

(a) 1996 c.56.

(b) 1987 c.15

(c) 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.

[Type text]

Citation and commencement

1. This Order may be cited as the Diocese of Lichfield (Educational Endowments) (St John's Church of England School) Order 2013 and comes into force on 14th June 2013 ("the operative date").

Interpretation

2. In this Order—

"the Diocesan Board" means the Lichfield Diocesan Board of Education; and

"trust assets" means the sum of £89,980.20 held on deposit at the Central Board of Finance Church of England Deposit Fund representing the proceeds of sale of the former teacher's house at the St John's Church of England School together with any income derived there from (whether before or after the operative date).

Extinguishment of rights under a Reverter of Sites Act Trust

3. The rights of any person who is or may 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.

Division of foundation and trust assets

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

(a) the St John's Church of England School Fund ("the School Fund") comprising eleven-fourteenths of the trust assets; and

(b) the St John's Church of England Religious Education Fund ("the Religious Education Fund") comprising three-fourteens 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 6(1).

Trustee and vesting

5.—(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 4(1)(a).

(2) The Vicar and Churchwardens for the time being of the Parish of Cheddleton are appointed to be the trustees of the Religious Education Fund established by article 4(1)(b).

Administration of foundation

6.—(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 which represent 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 Cheddleton 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 shall hold the School Fund on the uniform statutory trusts.

[Type text]

(4) 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^(a) as they apply in relation to the School Fund relevant trust assets).

Consolidation

7. The School Fund must be consolidated with The Barchester Fund and that fund shall be known as The Barchester Fund.

Signed by the authority of the Secretary of State

23rd May 2013

Julia Gault
Deputy Director
Department for Education

SCHEDULE

Article 6(4)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Lichfield;

“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; and “relevant trust assets” means the School Fund.

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 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 trustees 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 I of the Education Act 2005^(b); and
- (c) to defray the cost of employing or engaging staff in connection with—

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

(b) 2005 c.18.

[Type text]

- (i) the application of income of the relevant trust assets for either of the purposes referred to in sub-paragraphs (a) or (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 Lichfield Diocesan Board of Education as trustee of the foundation known as St John's Church of England 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 in the Parish of Cheddleton.

The Order provides for the School Fund to be consolidated with the fund known as The Barchester 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 as they apply to the relevant trust assets) for the benefit of Church of England voluntary schools, foundation schools, Academy schools, alternative provision Academies, city technology colleges or city colleges for the technology of the arts in the Diocese of Lichfield.

This Order extinguishes the rights of any beneficiary under the trust which may arise under section 1 of the Reverter of Sites Act 1987 in respect of the relevant trusts assets therein mentioned.