

2018 No. 1013

EDUCATION, ENGLAND

**The Diocese of Oxford (Educational Endowments) (Harpsden
Church of England School) (No. 2) Order 2018**

Made - - - - *18th September 2018*

Coming into force in accordance with article 1

WHEREAS —

(1) the first endowment of the educational foundation known as Harpsden Church of England School in the county of Oxfordshire (“the foundation”), comprised in a Deed dated 23rd July 1857 and made between (1) John Fowden Hodges, (2) Reverend Francis Knyvett Leighton, Rector of the Parish of Harpsden, and (3) William Henry Workman, Churchwarden of the Parish of Harpsden (“the Deed”), has been shown to the satisfaction of the Secretary of State for Education (“the Secretary of State”) 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 (the “First Endowment”);

(2) the second endowment of the foundation, comprised of certain land acquired by adverse possession, has also been shown to the satisfaction of the Secretary of State 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 (the “Second Endowment”);

(3) the former school premises of the voluntary school consisting of the land of which the First Endowment and Second Endowment were comprised have been sold and the portion of the net proceeds of sale of the former school premises attributable to the First Endowment amount to the sum of £323,863.42. The said sum of £323,863.42 and any income derived from those assets before the coming into force of this Order represent the assets of the First Endowment and are held on deposit at CCLA Investment Management Limited;

(4) application for an order making new provision as to the use of the First Endowment has been made to the Secretary of State by the Oxford 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;

(5) Diocesan Trustees (Oxford) Limited is the trustee of the foundation;

(6) 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);

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

(8) 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:

Citation and commencement

1. This Order may be cited as the Diocese of Oxford (Educational Endowments) (Harpsden Church of England School) (No. 2) Order 2018 and shall come into force on the day after the day it is made (“the operative date”).

Interpretation

2. In this Order—

“the Trustee” means Diocesan Trustees (Oxford) Limited;

“the trust assets” means the sum of £323,863.42 invested in CCLA Investment Management Limited representing the First Endowment, together with any income derived from those assets (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) Harpsden Church of England School Fund (“the School Fund”) comprising eleven-fourteenths of the trust assets; and

(b) Harpsden Church of England 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 after payment of any expenses of administration in accordance with article 6(1).

Trustees and Vesting

5.—(1) The Trustee is appointed to be the trustee of—

(a) 1996 c.56.

(b) 1987 c.15.

(c) Section 554 was amended by paragraph 168 of Schedule 30 to the School Standards and Framework Act 1998 (c.31) and section 556 was amended by paragraph 169 of Schedule 30.

- (a) the foundation;
- (b) the trust assets; and
- (c) the School Fund established by article 4(1)(a).

(2) The Parochial Church Council of Harpsden is appointed to be the trustee of the Religious Education Fund established by article 4(1)(b).

Administration of foundation

6.—(1) After payment of any expenses of administration, the Trustee 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 Harpsden 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 Trustee must hold the School Fund on the uniform statutory trusts.

(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).

Consolidation

7. The School Fund must be consolidated with the fund known as the Oxford Diocesan Church Schools Uniform Statutory Trust Fund and that consolidated fund shall be known as the Oxford Diocesan Church Schools Uniform Statutory Trust Fund.

Consultation

8. The Trustee shall consult the Oxford Diocesan Board of Education with regard to the exercise of the powers and functions conferred on it by this Order.

Signed by the authority of the Secretary of State

18th September 2018

Louise Whitesman
Deputy Director
Department for Education

SCHEDULE

Article 6(4)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Oxford;

“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;

“relevant trust assets” means the School Fund; and

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

“trustees” means Diocesan Trustees (Oxford) Limited.

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 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) 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 Diocesan Trustees (Oxford) Limited as trustee of the foundation known as Harpsden Church of England School and makes new provision as to the use of the First 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 Harpsden. This Order is made subsequent to the Diocese of Oxford (Educational Endowments) (Harpsden Church of England School) Order 2017 (SI 2017/795) which made separate provision for the use of the Second Endowment of the foundation.

The Order provides for the relevant trust assets to be consolidated with the fund known as the Oxford Diocesan Church Schools 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 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 and city colleges for the technology of the arts in the Diocese of Oxford.

(a) 2005 c.18.