

2014 No. 2006

EDUCATION, ENGLAND

**The Diocese of Bath and Wells (Educational Endowments)
(Newbridge St. John's Church of England Infants' School)
Order 2014**

Made - - - - *24th July 2014*

Coming into force *31st July 2014*

WHEREAS—

(1) the endowment of the educational foundation known as Newbridge St. John's Church of England Infants' School in the County of Somerset ("the foundation"), comprised in a conveyance dated 15th November 1972 made between (1) the Mayor Aldermen and Citizens of the City of Bath and (2) the Bath and Wells 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 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 original premises of the foundation was comprised in a deed dated 1st May 1875 and made between (1) Granville Diggle Hill, William Orlando Lyon, and (2) Rowland John Atcherley and his wife Ada Elizabeth Atcherley, and (3) Reverend John Bond and Robert Lewis Turner;

(3) the assets now representing the said endowment of the foundation consist of £200,000 being 20% of proceeds of sale of the former school premises currently held in the Bath and Wells Diocesan Board of Finance's deposit account, together with any income derived from those assets before the coming into force of this Order;

(4) 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 Bath and Wells Diocesan Board of Finance, which body appears to him to be the appropriate authority of the Church of England for the purpose;

(5) the Bath and Wells Diocesan Board of Finance 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.

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

(a) 1996 c.56.

(b) 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.

Citation and commencement

1. This Order may be cited as the Diocese of Bath and Wells (Educational Endowments) (Newbridge St. John's Church of England Infants' School) Order 2014 and shall come into force on 31st July 2014 ("the operative date").

Interpretation

2. In this Order—

"the Diocesan Board" means the Bath and Wells Diocesan Board of Finance;

"trust assets" means the sum of £200,000 currently held in the Bath and Wells Diocesan Board of Finance's deposit account, representing 20% of the proceeds of sale of the premises of the Newbridge St. John's Church of England Infants' School, together with any income derived therefrom (whether before or after the operative date); and

"trustee" means the Diocesan Board.

Trustee and vesting

3.—(1) The Diocesan Board is appointed to be the trustee of the foundation and of the trust assets.

(2) All funds belonging to or held in trust for the foundation immediately before the operative date (other than such land or hereditaments vested immediately before that date in the Diocesan Board or the Official Custodian for Charities) must be transferred to the Diocesan Board and all acts necessary for that purpose shall be done by any persons holding such funds.

Administration of foundation

4.—(1) After payment of any expenses of administration, the Diocesan Board shall 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^(a) as they apply in relation to the relevant trust assets).

Consolidation

5. The trust assets must be consolidated with the Diocese of Bath and Wells Schools Trust Fund and that consolidated fund must continue to be known as the Diocese of Bath and Wells Schools Trust Fund.

Signed by the authority of the Secretary of State

24th July 2014

Sally Wiseman
Deputy Director
Department for Education

SCHEDULE

Article 4(2)

The Uniform Statutory Trusts

1. In this Schedule—

"the area" means the Diocese of Bath and Wells;

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

“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 trust assets of the foundation known as Newbridge St. John’s Church of England Infants’ School;

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 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 Regulations)

This Order appoints the Bath and Wells Diocesan Board of Finance as trustee of the foundation known as Newbridge St. John’s Church of England Infants’ School and makes new provision as to the use of the endowment of that foundation.

The Order provides for the trust assets to be consolidated with the fund known as the Diocese of Bath and Wells Schools 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 Bath and Wells.

(a) 2005 c.18.