

2015 No. 246

EDUCATION, ENGLAND

**The Diocese of Derby (Educational Endowments) (The Former
Edward Revell Endowed Voluntary Controlled Primary School)
Order 2015**

Made - - - - *5th February 2015*

Coming into force - - *17th February 2015*

WHEREAS—

(1) the endowment of the educational foundation known as the Former Edward Revell Endowed Voluntary Controlled Primary School in the County of Derbyshire (“the foundation”), comprised in a conveyance dated 9th December 1977 between (1) the Derbyshire County Council and (2) Derby Diocesan Council of Education, (“the Conveyance”) 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 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 10th June 1637 and made between (1) Edward Revell and (2) John Payne, Thomas Ludlam, Richard Goodwin, Robert Newton and Ralphe Calton;

(3) the assets now representing the said endowment of the foundation consist of the school site and buildings erected thereon, including any income derived therefrom 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 Derby Diocesan Board of Education, which body appears to her to be the appropriate authority of the Church of England for the purpose;

(5) the Derby Diocesan Board of Education 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;

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

(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 Derby (Educational Endowments) (The Former Edward Revell Endowed Voluntary Controlled Primary School) Order 2015 and comes into force on 17th February 2015 (“the operative date”).

Interpretation

2. In this Order—

“the Diocesan Board” means the Derby Diocesan Board of Education; and

“trust assets” means the school site and buildings erected thereon, together with any income derived therefrom (whether before or after the operative date).

Trustee and vesting

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

(2) The land and hereditaments comprised in the Conveyance which belong to or are 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) are vested in the Diocesan Board for all the estate and interest of the foundation therein.

Administration of foundation

4.—(1) The Diocesan Board is authorised to sell the trust assets of the foundation known as the Former Edward Revell Endowed Voluntary Controlled Primary School and shall, until sale, let or otherwise manage such assets according to the general law applicable to the management of property held on trust for charitable purposes.

(2) After payment of any expenses of administration, the Diocesan Board shall hold the trust assets on the uniform statutory trusts.

(3) 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 trust assets).

Consolidation

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

Signed by the authority of the Secretary of State

5th February 2015

Sally Wiseman
Deputy Director
Department for Education

SCHEDULE

Article 4(3)

The Uniform Statutory Trusts

1. In this Schedule—

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

“the area” means the Diocese of Derby;

“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

“trustees” means the Diocesan Board.

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 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) 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 Order)

This Order appoints the Derby Diocesan Board of Education as trustee of the foundation known as the Former Edward Revell Endowed Voluntary Controlled Primary 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 Derby Diocesan Board of Education’s Uniform Statutory Trust funds 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, academy schools, alternative provision academies, city technology colleges and city colleges for the technology of the arts in the Diocese of Derby.

(a) 2005 c.18.