

2016 No. 72

EDUCATION, ENGLAND

The Diocese of Leeds (Educational Endowments) (Aysgarth Church of England School) Order 2016

Made - - - - 21st January 2016

Coming into force - - 9th February 2016

WHEREAS—

(1) the endowment of the educational foundation known as Aysgarth Church of England School in the County of North Yorkshire (“the foundation”) 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;

(2) the assets representing the said endowment of the foundation consist of £21,156.60 being the net proceeds of sale of the former school premises held on deposit at the Royal Bank of Scotland Plc, Drummonds Branch 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 Leeds Diocesan Board of Education, which body appears to her 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);

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

NOW, 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)—

Citation and commencement

1. This Order may be cited as the Diocese of Leeds (Educational Endowments) (Aysgarth Church of England School) Order 2016 and shall come into force on 9th February 2016 (“the operative date”).

Interpretation

2. In this 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.

“the Diocesan Board” means the Leeds Diocesan Board of Finance;

“trust assets” means the sum of £21,156.60 held on deposit at the Royal Bank of Scotland Plc, Drummonds Branch, representing the proceeds of sale of the premises of Aysgarth Church of England School, together with any income derived therefrom (whether before or after the operative date).

Division of foundation and trust assets

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

- (a) the Aysgarth Church of England School Fund (“the School Fund”) comprising eleven-fourteenths of the trust assets; and
- (b) the Aysgarth Church of England 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 in every case, after payment of any expenses of administration in accordance with article 5(1).

Trustee and vesting

4.—(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 3(1)(a).

(2) The Vicar and Churchwardens for the time being of the Parish of Aysgarth are appointed to be the trustees of the Religious Education Fund established by article 3(1)(b) provided that —

- (a) during any period when there is no Vicar as aforesaid or the Bishop declares a period of suspension in respect of the benefice the priest for the time being in charge of the benefice shall by virtue of his office be a trustee of the said fund;
- (b) if at any time the benefice is dissolved (or united with another benefice or benefices) by a pastoral scheme or because of any other lawful event the incumbent of a new benefice which incorporates the whole or a major part of the present benefice shall by virtue of his office be a trustee of the said fund; and
- (c) if at any time by a pastoral scheme or because of any other lawful event a team ministry is established for the area which includes the present benefice the rector for the time being of that team ministry shall be by virtue of his office a trustee of the said fund, unless by that scheme or lawful event or by virtue of a bishop’s licence a special cure of souls is assigned to a vicar in respect of an area which includes the whole or a major part of the present benefice in which case the vicar shall by virtue of his office be a trustee of the said fund.

(3) All funds belonging to or held in trust for the foundation immediately before the operative date 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

5.—(1) After payment of any expenses of administration, the Diocesan Board shall account for that proportion of the capital and income of the trust assets of the foundation which represents the Religious Education Fund to the trustees thereof.

(2) The trustees of the Religious Education Fund shall apply the income, and may apply the capital thereof, for educational purposes related to the Parish of Aysgarth 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.

(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

6. The School Fund shall be consolidated with the Ripon & Leeds Diocesan Board of Finance Section 554 et seq Fund and that consolidated fund shall be known as the Ripon & Leeds Diocesan Board of Finance Section 554 et seq Fund.

Consultation

7. The Diocesan Board shall consult the Leeds 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

Sally Wiseman
Deputy Director
Department for Education

21 January 2016

SCHEDULE

Article 5(4)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Leeds;

“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.

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

- (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 Order)

This Order appoints the Leeds Diocesan Board of Finance as trustee of the foundation known as Aysgarth 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 within the Parish of Aysgarth.

The Order provides for the relevant trust assets to be consolidated with the fund known as the Ripon & Leeds Diocesan Board of Finance Section 554 et seq 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 Leeds.

(a) 2005 c.18.