

2017 No. 707

EDUCATION, ENGLAND

**The Diocese of Gloucester (Educational Endowments) (Saul
Church of England Primary School) Order 2017**

Made - - - -

22nd June 2017

Coming into force in accordance with article 1

WHEREAS—

(1) the endowment of the educational foundation known as Saul Church of England Primary School in the county of Gloucestershire (“the foundation”), comprised in a Deed dated 16th January 1856 and made between (1) The Reverend George Pickard Cambridge and (2) Henry Pickard Cambridge and (3) the Minister and Churchwardens of the Parish of Saul (“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 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 assets representing the said endowment of the foundation consist of £133,008.81 being the net proceeds of sale of the former school premises comprised in the Deed held in an investment account at CCLA Investment Management Limited 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 Gloucester 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;

(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) representations made on the proposed order by persons interested have been taken into account;

(6) 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 that Act) or which has at any time been accepted as valid by the trustee or by persons whose acceptance binds or will bind the trustee, or which has been upheld in proceedings that have been concluded (within the meaning of that Act);

(a) 1996 c.56.

(b) 1987 c.15. Section 1 was amended by Schedule 2 to the Trusts of Land and Appointment of Trustees Act 1996 (c.47).

NOW, THE SECRETARY OF STATE makes the following Order in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(a) and section 5 of the Reverter of Sites Act 1987(b)—

Citation and commencement

1. This Order may be cited as the Diocese of Gloucester (Educational Endowments) (Saul Church of England Primary School) Order 2017 and comes into force on the day after the day it is made (“the operative date”).

Interpretation

2. In this Order—

“the Diocesan Board” means the Gloucester Diocesan Board of Education;

“trust assets” means the sum of £133,008.81 held in an investment account at CCLA Investment Management Limited representing the proceeds of sale of the premises of Saul Church of England Primary School, together with any income derived from it (whether before or after the operative date); and

“trustee” means the Diocesan Board.

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 extinguished.

Trustee and vesting

4.—(1) The Diocesan Board is appointed to be 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 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 must 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(c) as they apply in relation to the trust assets).

Signed by the authority of the Secretary of State

22nd June 2017

Louise Whitesman
Deputy Director
Department for Education

(a) 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 that Schedule.

(b) Section 5(1) was amended by Schedule 37 to the Education Act 1996.

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

SCHEDULE

Article 5(2)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Gloucester; and

“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.

2. The trustee 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 trustee 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 Gloucester Diocesan Board of Education as trustee of the foundation known as Saul Church of England Primary School and makes new provision for the use of the endowment of that foundation.

The Order provides for the trust assets to be held on the uniform statutory trusts 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 Gloucester.

The Order extinguishes the rights of any beneficiary under the trust which has arisen under section 1 of the Reverter of Sites Act 1987 in respect of the trust assets therein mentioned.

(a) 2005 c.18.