

2014 No. 699

EDUCATION, ENGLAND

**The Diocese of Manchester (Educational Endowments) (The
Former Scot Lane End Church of England Primary School)
Order 2014**

Made - - - -

6th March 2014

Coming into force - -

1st April 2014

WHEREAS-

(1) the endowment of the educational foundation known as the Former Scot Lane End Church of England Primary School in the County of Lancashire (“the foundation”), comprised in a Deed dated 4 April 1886 and made between Elias Dorning and the Reverend Francis Richard Swallow, Benjamin Davies and James Eckersley (the incumbent and churchwardens of St Katharine Blackrod Lancaster) (“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; and the Secretary of State is satisfied that the requirements of section 554(3) of the Education Act 1996 are fulfilled;

(2) the assets representing the said endowment of the foundation consist of £159,384.00 being the net proceeds of sale of the former school premises comprised in the Deed held by the Manchester Diocesan Board of Education 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 trust assets has been made to the Secretary of State by the Manchester Diocesan Board of Education, which body appears to him 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, 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 Manchester (Educational Endowments) (The Former Scot Lane End Church of England Primary School) Order 2014 and shall come into force on 1st April 2014 (“the operative date”).

Interpretation

2. In this Order-

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

“trust assets” means the sum of £159,384.00, held by the Diocesan Board, representing the proceeds of sale of The Former Scot Lane End Church of England Primary School, together with any income derived therefrom (whether before or after the operative date); and

“trustees” means the Diocesan Board.

Division of foundation and trust assets

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

(a) the Former Scot Lane End Church of England Primary School Fund (“the School Fund”) comprising eleven-fourteenths of the trust assets; and

(b) the Former Scot Lane End Church of England Primary 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 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 St Katharine Blackrod Lancashire hereby appointed to be the trustees of the Religious Education Fund established by article 3(1)(b).

Administration of foundation

5. —(1) The trustees 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 St. Katharine Blackrod 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.

(2) The Diocesan Board shall hold the School Fund 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 as they apply in relation to the Former Scot Lane End Church of England Primary School relevant trust assets).

6th March 2014

Sally Wiseman
Deputy Director
Department for Education

SCHEDULE 1

Regulation 5

The Uniform Statutory Trusts

1. In this Schedule-

“the area” means the Diocese of Manchester;

“relevant school” means a voluntary school, a foundation school, an 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 Former Scot Lane End Church of England Primary School Fund;

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

2. The trustees may, after payment of any expenses incurred in connection with the administration of the trust, apply the capital income of the trust assets for any of the following purposes –

- (a) in or towards a 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 the 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 I 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 Manchester Diocesan Board of Education as trustee of the foundation known as the Former Scot Lane End Church of England Primary 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 St. Katharine Blackrod.

The Order provides for the relevant trust assets to be 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

(a) 2005 c.18

voluntary schools, foundation schools, Academies, city technology colleges and city colleges for the technology of the arts in the Diocese of Manchester.

The order extinguishes the rights of any beneficiary under the trust which may arise under section 1 of the Reverter of Sites Act 1987 in respect of the relevant trust assets therein mentioned.