

2016 No. 23

EDUCATION, ENGLAND

The Diocese of York (Educational Endowments) (St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul's Foundry)) Order 2016

Made - - - - *12th January 2016*

Coming into force - - *26th January 2016*

WHEREAS —

(1) the endowment of the educational foundation known as St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul's Foundry) in the City of York ("the foundation"), comprised in a Deed dated 19th October 1887 and made between (1) William Benson Richardson, Thomas Peters, Alfred Procter and John Varvill and (2) William Chapman and (3) The Rector and Churchwardens of the Ecclesiastical Parish of St. Paul of York and their successors, ("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 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 assets representing the said endowment of the foundation consist of £141,371.94 being the net proceeds of sale of the former school premises comprised in the Deed held on deposit by the York Diocesan Board of Finance 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 York 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;

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 York (Educational Endowments) (St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul's Foundry)) Order 2016 and shall come into force on 26th January 2016 ("the operative date").

(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.

Interpretation

2. In this Order—

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

“trust assets” means the sum of £141,371.94 held on deposit by the York Diocesan Board of Finance representing the proceeds of sale of the former school premises of the St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul’s Foundry), 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 St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul’s Foundry) Fund (“the School Fund”) comprising seven-fourteenths of the trust assets ; and
- (b) the St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul’s Foundry) Religious Education Fund (“the Religious Education Fund”) comprising seven-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. Barnabas York are appointed to be the trustees of the Religious Education Fund established by article 3(1)(b).

(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 the 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 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 of that fund.

(2) 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. Barnabas York 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 must 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 trust assets).

(a) 1996 c.56. Schedule 36 was amended by paragraph 10 of Schedule 9 to the Education Act 2005 (c. 15).

Consolidation

6. The trust assets must be consolidated with the York Diocesan Board of Education's Uniform Statutory Trust Fund and that consolidated fund must be known as the York Diocesan Board of Education's Uniform Statutory Trust Fund.

Consultation

7. The Diocesan Board shall consult the York 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

12th January 2016

Sally Wiseman
Deputy Director
Department for Education

SCHEDULE

Article 5(4)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of York;

“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; 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 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 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 York Diocesan Board of Finance as trustee of the foundation known as St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul's Foundry) 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. Barnabas York.

The Order provides for the relevant trust assets to be consolidated with the fund known as York Diocesan Board of Education's Uniform Statutory Trust 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 York.

(a) 2005 c.18