

**2019 No. 1519**

**EDUCATION, ENGLAND**

**The Diocese of Carlisle (Educational Endowments) (Allithwaite Church of England School) Order 2019**

*Made* - - - - *20th December 2019*

*Coming into force in accordance with article 1*

It has been shown to the satisfaction of the Secretary of State for Education (“the Secretary of State”) that the endowment of the educational foundation known as Allithwaite Church of England School in the county of Cumbria (“the foundation”) is or has been held in connection with the provision of religious education in accordance with the tenets of the Church of England at a non-provided public elementary school, the premises of which have ceased to be used for the purposes of such a school.

The endowment is comprised in a deed dated 12 October 1853 and made between (1) John Storey and (2) the Minister of the Parish Church of Cartmel and Churchwardens of the Districts and Divisions of Lower Allithwaite and Upper Holker.

The assets representing the said endowment of the foundation consist of (a) £73,318.18 being the net proceeds of sale of the former school premises and held on deposit at HSBC Bank Plc and (b) any income derived from those assets before the coming into force of this Order.

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 Carlisle Diocesan Board of Finance Limited, which body appears to the Secretary of State to be the appropriate authority of the Church of England for the purpose.

The Carlisle Diocesan Board of Finance Limited is the trustee of the foundation.

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).

No representations have been made on the proposed order.

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(b), 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 Carlisle (Educational Endowments) (Allithwaite Church of England School) Order 2019 and comes into force on the day after the day on which it is made (“the operative date”).

## **Interpretation**

2. In this Order-

“the deed” means the deed of the foundation being a deed dated 12th October 1853 and made between (1) John Storey and (2) the Minister of the Parish Church of Cartmel and Churchwardens of the Districts and Divisions of Lower Allithwaite and Upper Holker;

“the Diocesan Board” means the Carlisle Diocesan Board of Finance Limited;

“the endowment” means the endowment comprised in the deed;

“the foundation” means the educational foundation known as Allithwaite Church of England School; and

“trust assets” means the sum of £73,318.18 representing the proceeds of sale of the premises of the Allithwaite Church of England School held on deposit at HSBC Bank Plc, 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 Allithwaite Church of England School Fund (“the School Fund”) comprising eleven-fourteenths of the trust assets; and

(b) the Allithwaite 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) So far as it is not already the trustee, 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 Incumbent and Churchwardens for the time being of the Parish of St Mary, Allithwaite are hereby appointed to be the trustees of the Religious Education Fund established by article 3(1)(b).

## **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 represent respectively 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 Mary, Allithwaite 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)).

### **Consolidation**

6. The School Fund must be consolidated with the fund known as the Barchester Fund(b) and that consolidated fund must be known as the Barchester Fund.

### **Consultation**

7. The Diocesan Board must consult the Carlisle 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

20th December 2019

*Louise Whitesman*  
Deputy Director  
Department for Education

## **SCHEDULE**

Article 5(4)

### **The Uniform Statutory Trusts**

#### **1. In this Schedule-**

“the area” means the Diocese of Carlisle;

“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

“trustee” means the Diocesan Board.

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

(b) The trustee of the Barchester Fund is the Diocesan Board. The assets of the Barchester Fund are held on the uniform statutory trusts.

- (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<sup>(a)</sup>; 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 makes new provision as to the use of the endowment of the foundation known as Allithwaite Church of England School. 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 Mary, Allthwaite.

The Order provides for the relevant trust assets to be consolidated with the fund known as the Barchester 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 Carlisle.

---

<sup>(a)</sup> 2005 c.18.