

2019 No. 987

EDUCATION, ENGLAND

**The Diocese of Newcastle (Educational Endowments)
(Kirknewton Church of England School) Order 2019**

Made - - - -

4th June 2019

Coming into force in accordance with article 1

The endowment of the educational foundation known as Kirknewton Church of England School, in the County of Northumberland, 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^(a) are fulfilled.

The assets representing the endowment of the foundation consists of: (a) the net proceeds of sale of the former school premises held by the Newcastle Diocesan Education Board (being the sum of £118,333.00); and (b) any income derived from those proceeds of sale before the coming into force of this Order.

Application for an Order making new provision as to the use of the endowment has been made to the Secretary of State by the Newcastle Diocesan Education Board, which body appears to the Secretary of State to be the appropriate authority of the Church of England for the purpose.

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.

No representations have been made on the proposed Order.

In the event that a trust under section 1 of the Reverter of Sites Act 1987^(b) has arisen in relation to the assets of the endowment (it being unclear from the available evidence whether this is the case), 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 there is no claim by any such person which is outstanding 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. Section 554(3) was amended by paragraph 168 of Schedule 30 to the School Standards and Framework Act 1998 (c.31) (“the 1998 Act”).

(b) 1987 c.15.

Accordingly, 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(1) of the Reverter of Sites Act 1987(b).

Citation and commencement

1. This Order may be cited as the Diocese of Newcastle (Educational Endowments) (Kirknewton 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 Diocesan Board” means the Newcastle Diocesan Board of Education;

“the endowment” means the endowment which is represented by the trust assets;

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

“the trust assets” means the sum of £118,333.00 held by the Diocesan Board representing the proceeds of sale of the premises of Kirknewton Church of England School together with any income derived from those proceeds of sale (whether before or after the operative date);

“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 may have arisen by virtue of section 1 of the Reverter of Sites Act 1987 are extinguished.

Trustee and vesting

4.—(1) The Diocesan Board is appointed to be trustee of the foundation and of the trust assets.

(2) The funds belonging to or held in trust for the foundation immediately before the operative date shall be transferred to the Diocesan Board and all acts necessary for that purpose shall be done by persons holding such funds.

Administration of foundation

5. After payment of any expenses of administration, the Diocesan Board must hold the trust assets on the terms set out in the Schedule (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996(c)).

Signed by authority of the Secretary of State

4th June 2019

Louise Whitesman
Deputy Director
Department for Education

(a) Sections 554 and 556 were amended by Schedule 30 to the 1998 Act.

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

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

SCHEDULE

Article 5

1. In this Schedule—

“the area” means the Diocese of Newcastle;

“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 and 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 Newcastle Diocesan Board of Education as trustee of the foundation known as Kirknewton Church of England School and makes new provision as to the use of the endowment of that foundation.

The Order provides for the 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) 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 Newcastle.

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

(a) 2005 c.18.