

**2023 No. 190**

**EDUCATION, ENGLAND**

**The Diocese of Hereford (Educational Endowments) (St Mary’s  
Church of England Primary School) Order 2023**

*Made* - - - - 22nd February 2023

*Coming into force* - - 23rd February 2023

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 St Mary’s Church of England Primary School, in the county of Shropshire 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 voluntary 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 5th October 1849 and made between (1) the Reverend Thomas Parr and others and (2) the Rector and Churchwardens of the Parish of Westbury.

The assets representing the endowment consist of: (a) £393,785 being the net proceeds of sale of the former school premises held on deposit at CCLA Investment Management Limited 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 endowment has been made to the Secretary of State by the Hereford 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.

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 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 Hereford (Educational Endowments) (St Mary’s Church of England Primary School) Order 2023 and comes into force on the day after the day on which it is made (“the operative date”).

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(a) 1996 c.56.

(b) Sections 554 and 556 were amended by Schedule 30 to the School Standards and Framework Act 1998 (c.31).

## **Interpretation**

### **2. In this Order—**

“the deed” means the deed of the foundation being a deed dated 5th October 1849 and made between (1) the Reverend Thomas Parr and others and (2) the Rector and Churchwardens of the Parish of Westbury;

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

“the foundation” means the educational foundation known as St Mary’s Church of England Primary School;

“the trustee” means the Hereford Diocesan Board of Finance;

“trust assets” means the sum of £393,785 held on deposit account at CCLA Investment Management Limited representing the proceeds of sale of the premises of St Mary’s Church of England Primary School, together with any income derived from those assets (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 Mary’s Church of England Primary School Fund (“the School Fund”) comprising eleven-fourteenths of the trust assets; and
- (b) the St Mary’s 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 trustee is appointed to be the trustee of—**

- (a) the foundation;
- (b) the trust assets;
- (c) the School Fund established by article 3(1)(a); and
- (d) the Religious Education Fund established by article 3(1)(b).

(2) All funds belonging to or held in trust for the foundation immediately before the operative date must be transferred to the trustee 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 trustee must account for that proportion of the capital and income of the trust assets of the foundation which represents the Religious Education Fund.**

(2) The trustee must apply the income of the Religious Education Fund, and may apply the capital of that fund, for educational purposes related to the Parish of Westbury 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 trustee must hold the School Fund on the terms set out in the Schedule (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996(a)).

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

## Consultation

6. The trustee must consult the Hereford 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

22nd February 2023

*Louise Whitesman*  
Deputy Director  
Department for Education

## SCHEDULE

Article 5(3)

### The Uniform Statutory Trusts

**1.** In this Schedule—

“the area” means the Diocese of Hereford;

“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.

**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) 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 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.

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(a) 2005 c.18.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order appoints the Hereford Diocesan Board of Finance as trustee of the foundation known as St Mary's 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 Westbury and appoints Hereford Diocesan Board of Finance as trustee of that foundation.

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) 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 Hereford.