

2023 No. 78

EDUCATION, ENGLAND

The Diocese of Chelmsford (Educational Endowments) (St. Saviour's Church of England Primary School) Order 2023

Made - - - - 26th January 2023

Coming into force - - 27th January 2023

It has been shown to the satisfaction of the Secretary of State for Education (“the Secretary of State”) that the part of the endowment of the educational foundation known as St. Saviour's Church of England Primary School in the London Borough of Waltham Forest that relates to the teacher's house of the school, 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, and that the premises of the teacher's house have ceased to be used for the purposes of such a school.

The endowment is comprised in a Conveyance dated 25th July 1892 made between (1) Richard Foster and (2) the Venerable Henry Frank Johnson Archdeacon of Essex, Herbert Thomas Maitland Vicar of the Parish of St. James Walthamstow, Richard Foster and William Footner Foster.

The assets representing the part of the endowment relating to the teacher's house consist of: (a) £315,000 being the net proceeds of sale of the teacher's house comprised in the deed of the foundation and held by the Chelmsford Diocesan Board of Education on deposit at Barclays Bank Plc; 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 said part of the endowment has been made to the Secretary of State by the Chelmsford 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).

(a) 1996 c. 56.

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

Citation and commencement

1. This Order may be cited as the Diocese of Chelmsford (Educational Endowments) (St. Saviour’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”).

Interpretation

2. In this Order—

“the deed” means a Conveyance dated 25th July 1892 made between (1) Richard Foster and (2) the Venerable Henry Frank Johnson Archdeacon of Essex, Herbert Thomas Maitland Vicar of the Parish of St. James Walthamstow, Richard Foster and William Footner Foster;

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

“the endowment” means the part of the endowment of the foundation comprised in the deed that relates to the teacher’s house of St. Saviour’s Church of England Primary School;

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

“trust assets” means the sum of £315,000 held on deposit account at Barclays Bank PLC representing the proceeds of sale of the premises of the teacher’s house together with any income derived from those assets (whether before or after the operative date);

“trustee” means the Diocesan Board.

Trustee and vesting

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

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

Administration of foundation

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

Consultation

5. The Diocesan Board must consult the Chelmsford Diocesan Board of Education with regard to the exercise of the powers and functions conferred on it by this Order.

Signed by authority of the Secretary of State

26th January 2023

Louise Whitesman
Deputy Director
Department for Education

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

SCHEDULE

Article 4

1. In this Schedule—

“the area” means the Diocese of Chelmsford;

“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 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 Chelmsford Diocesan Board of Finance as trustee of the foundation known as St. Saviour’s Church of England Primary School and makes new provision as to the use of part of the endowment of that foundation, namely that relating to the former teacher’s house of the school.

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 Chelmsford.

(a) 2005 c. 18.