STATUTORY INSTRUMENTS

2010 No. 820

EDUCATION, ENGLAND

The Diocese of Blackburn (Educational Endowments) Order 2010

Made - - - -	*12th March 2010*
Coming into force - -	*1st April 2010*

WHEREAS—

(1) the endowment of the educational foundation known as Preston Christ Church Infant School in the County of Lancashire ("the foundation"), comprised in a Deed dated 15th November 1906 and made between (1) Edward James Stanley and (2) the Reverend Charles Maurice Clarke, William Henry Irvin Sellers and William Alexander Dawson, has been shown to the satisfaction of the Secretary of State for Children, Schools and Families ("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 are fulfilled;

(2) the assets representing the endowment of the foundation consist of £136,210.84 being the net proceeds of sale of the former school premises comprised in the said Deed dated 15th November 1906 held by Roebucks Solicitors, 7 & 12 Richmond Terrace, Blackburn 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 Blackburn Diocesan Board of Education, which body appears to him 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;

NOW, THEREFORE, THE SECRETARY OF STATE FOR CHILDREN, SCHOOLS AND FAMILIES, in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(**b**), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Diocese of Blackburn (Educational Endowments) Order 2010 and shall come into force on 1st April 2010 ("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 Blackburn Diocesan Board of Education;

"trust assets" means the sum of £136,210.84 held by Roebucks Solicitors representing the proceeds of sale of the premises of the Preston Christ Church, together with any income derived from those assets (whether before or after the operative date); and

"trustees" means the Diocesan Board.

Division of foundation and trust assets

3.—(1) The trust assets are to be divided into two separate trust funds, namely—

(a) the Preston Church of England School Fund, comprising eleven-fourteenths of the trust assets; and

(b) the Preston Christ Church 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 are to 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 Preston St Stephen are appointed to be the trustees of the Religious Education Fund established by article 3(1)(b).

(3) All funds comprising trust assets are to be transferred to the Diocesan Board and all acts necessary for that purpose are to 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 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 the fund, for educational purposes related to the Parish of Preston St Stephen 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 as they apply in relation to the School Fund).

Signed by the authority of the Secretary of State

Julia Gault
Deputy Director
Department for Children, Schools and Families

12th March 2010

SCHEDULE

Article 5(4)

The Uniform Statutory Trusts

1. In this Schedule—

"the area" means the Diocese of Blackburn;

"relevant school" means a voluntary school, a foundation school, an 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 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 I 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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints the Blackburn Diocesan Board of Education as trustee of the proceeds of sale of the foundation known as Preston Christ Church Infant 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 Preston St Stephen.

(**a**) 2005 c.18.