STATUTORY INSTRUMENTS

2009 No. 817

EDUCATION, ENGLAND

The Diocese of Carlisle (Educational Endowments) Order 2009

Made - - - -	*27th March 2009*
Coming into force - -	*31st March 2009*

WHEREAS—

(1) the endowment of the educational foundation known as Bampton Church of England School in the county of Cumbria ("the foundation"), comprised in a Deed dated 21 November 1921 and made between (1) Joseph Noble and (2) The Right Honourable Hugh Cecil Earl of Lonsdale and others, Deed dated 12 August 1930 and made between (1) The Lowther Estates and (2) The Right Honourable James William Viscount Ullswater and others and the Deed dated 31 July 1956 and made between (1) The Right Honourable James Hugh William Earl of Lonsdale and (2) and John Lamplugh Wickham and others, 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 said endowment of the foundation ("the trust assets") include part of the school site and buildings erected thereon, including any income derived therefrom whether before or after the coming into force of this Order;

(3) application for an order making new provision as to the use of the trust assets has been made to the Secretary of State by the Carlisle 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 Carlisle (Educational Endowments) Order 2009 and shall come into force on 31st March 2009 ("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 Carlisle Diocesan Board of Finance Limited;

"trust assets" means part of the school site and buildings erected thereon, together with any income derived therefrom (whether before or after the operative date); and

"trustees" means the Diocesan Board.

Trustee and vesting

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

(2) The land and hereditaments comprised in the Deeds dated 21st November 1921, 12th August 1930 and 31st July 1956, which belong to or are held in trust for the foundation immediately before the operative date, are vested in the Diocesan Board for all the estate and interest of the foundation therein.

Administration of foundation

4.—(1) The Diocesan Board is authorised to sell the trust assets and shall, until sale, let or otherwise manage such property according to the general law applicable to the management of property held on trust for charitable purposes.

(2) Following such sale and after payment of any expenses of administration, the Diocesan Board must hold the trust assets on the uniform statutory trusts.

(3) 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 trust assets.

Consolidation

5. The trust assets must be consolidated with the Carlisle Diocesan Barchester Fund and that consolidated fund must be known as the Carlisle Diocesan Barchester Fund.

Consultation

6. 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

Julia Gault
Deputy Director
Department for Children, Schools and Families

27th March 2009

SCHEDULE

Article 6(3)

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, 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;

"trust assets" means part of the school site and buildings erected thereon, together with any income derived therefrom (whether before or after the operative date;

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 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 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 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 Carlisle Diocesan Board of Finance Limited as trustee of the foundation known as Bampton Church of England School and makes new provision as to the use of the endowments of that foundation.

The Order provides for the trust assets to be consolidated with the fund known as the Carlisle Diocesan 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, Academies, city technology colleges and city colleges for the technology of the arts in the Diocese of Carlisle.