STATUTORY INSTRUMENTS

2010 No. 827

EDUCATION, ENGLAND

The Diocese of Chester (Educational Endowments) Order 2010

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

WHEREAS—

(1) the endowment of the educational foundation known as Stockport Parish Church of England School in the County of Stockport ("the foundation"), comprised in a Deed dated 4th July 1901 and made between (1) The Revd Canon William Symonds and (2) The Rector and Churchwardens of Stockport, 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 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 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 consist of the net proceeds of sale, being £270,000, of the former school premises comprised in the said Deed dated 4th July 1901 held as 42,777.17 Central Board of Finance Investment Income shares and £145,000 on deposit at a Central Board of Finance deposit account and a Royal Bank of Scotland current account 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 Chester Diocesan Board of Education, which body appears to him to be the appropriate authority of the Church of England for the purpose;

(4) the endowment of the foundation known as Stockport Parish Church of England School is vested in the Rector and Churchwardens of Stockport as custodian trustee;

(5) 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**);

(6) 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 Chester (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 Chester Diocesan Board of Education;

"trust assets" means the sum of £270,000. Of which £145,000 is held on deposit at a Central Board of Finance deposit account and a Royal Bank of Scotland current account and the remainder is invested in 42.777.17 Central Board of Finance Investment Income Shares representing the proceeds of sale of the premises of the Stockport Parish Church of England School, together with any income derived therefrom (whether before or after the operative date); and

"trustees" means the Diocesan Board.

Division of foundation and trust assets

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

(a) the Stockport Parish Church of England School Fund ("the School Fund") comprising eleven-fourteenths of the trust assets; and

(b) the Stockport Parish Church of England 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 shall be made in every case, after payment of any expenses of administration in accordance with article 6(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 Rector and Churchwardens for the time being of the Parish of St. Mary Stockport are hereby appointed to be the trustees of the Religious Education Fund established by article 3(1)(b).

Administration of foundation

5.—(1) After payment of any expenses of administration, the Diocesan Board shall account for that proportion of the capital and income of the trust assets of the foundation which represent respectively the Stockport Parish Church of England Religious Education Fund to the trustees thereof.

(2) The trustees of the said Religious Education Fund shall apply the income, and may apply the capital thereof, for educational purposes related to the Parish of Stockport 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 shall hold the Stockport Parish Church of England 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 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 relevant trust assets of the School Fund).

Consolidation

6. The School Fund shall be consolidated with the Chester Diocesan Board of Education Fund and that consolidated fund shall be known as the Chester Diocesan Board of Education Fund.

Signed by the authority of the Secretary of State

Julia Gault
Deputy Director
12th March 2010 Department for Children, Schools and Families

SCHEDULE

Article 5(4)

The Uniform Statutory Trusts

1. In this Schedule—

"the area" means the Diocese of Chester;

"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 Stockport Parish Church of England 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 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 Chester Diocesan Board of Education as trustee of the foundation known as Stockport Parish Church of England 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

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

religious education in accordance with the doctrines of the Church of England within the Borough of Stockport.

The Order provides for the relevant trust assets to be consolidated with the fund known as Chester Diocesan Board of Education 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 Chester.