STATUTORY INSTRUMENTS

2009 No. 2203

EDUCATION, ENGLAND

The Diocese of Chester (Educational Endowments) Order

Made - - - -	*14th August 2009*
Coming into force - -	*1st September 2009*

WHEREAS—

(1) the endowment of the educational foundation known as St John's Church of England School, Dukinfield in the county of Cheshire ("the foundation"), comprised in a Deed dated 13th December 1843 and made between Thomas Gisbourne and Samuel Ashton (1) and the Rector of Stockport (2), and referred to in a Statutory Declaration dated 19th October 1995 and made by Alan Marshall Fairhurst, and referred to in a Statutory Declaration dated 25th October 1995 and made by Barbara Jane Hewitt and regulated by Charity Commission Scheme dated 27th March 2002, 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;

(2) the assets representing the said endowment of the foundation consist of accrued interest on the proceeds of sale of the former school premises of St John's Church of England School and of the teacher's dwelling house (together with any income derived therefrom 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) 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;

(6) the said endowment consists of proceeds of sale of land in relation to which a trust under section 1 of the Reverter of Sites Act 1987(**b**) has arisen and the Secretary of State is satisfied that all reasonably practicable steps to trace any person who is or may become entitled as a beneficiary under the trust have been taken and that there is no claim by any such person which is outstanding (within the meaning of the said Act of 1987) or which has at any time been accepted as valid by the trustees or by persons whose acceptance binds or will bind the trustees or which has been upheld in proceedings that have been concluded (within the meaning of the said Act of 1987).

(**a**) 1996 c.56.
(**b**) 1987 c.15.

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(**a**), and section 5 of the Reverter of Sites Act 1987, hereby makes the following Order:—

Citation and commencement

2. This Order may be cited as the Diocese of Chester (Educational Endowments) Order 2009 and shall come into force on 1st September 2009 ("the operative date").

Interpretation

3. In this Order—

"the Diocesan Board" means the Chester Diocesan Board of Education;

"trust assets" means accrued interest held by Hibberts LLP on the proceeds of sale of the former school premises of St John's Church of England School, together with any income derived therefrom (whether before or after the operative date); and

"trustees" means the Diocesan Board.

Extinguishment of rights under a Reverter of Sites Act trust

4. The rights of any person who is or may become entitled as a beneficiary under the trust which has arisen by virtue of section 1 of the Reverter of Sites Act 1987 in respect of the trust assets are hereby extinguished.

Trustee and vesting

5.—(1) The Diocesan Board is hereby appointed to be trustee of the trust assets.

(2) All funds comprising trust assets shall be transferred to the Diocesan Board and all acts necessary for that purpose shall be done by any persons holding such funds.

Administration of foundation

6.—(1) After payment of any expenses of administration, the Diocesan Board shall hold the trust assets on the uniform statutory trusts.

(2) 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(**b**) as they apply in relation to the trust assets).

Signed by the authority of the Secretary of State

Julia Gault
Deputy Director
Department for Children, Schools and Families

14th August 2009

(**a**) 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.
(**b**) Schedule 36 was amended by section 61 of and paragraph 10 of Schedule 9 to the Education Act 2005(c.18).

SCHEDULE

Article 6(2)

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.

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 certain trust assets of the foundation known as St John's Church of England School and makes new provision as to the use of part of the endowment of that foundation. 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 as they apply to the 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.

(**a**) 2005 c.18

The Order extinguishes the rights of any beneficiary under the trust which has arisen under section 1 of the Reverter of Sites Act 1987 in respect of the trust assets therein mentioned.