STATUTORY INSTRUMENTS

2009 No. 2204

EDUCATION, ENGLAND

The Diocese of Newcastle (Educational Endowments) Order 2009

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

Whereas—

(1) The endowment of the educational foundation known as Percy St John Church of England School in the County of Northumberland ("the foundation"), comprised in a Deed dated 29th November 1869 and made between the Most Noble Algernon George Duke of Northumberland and the Earl Percy (1) and the Vicar and Churchwardens of the New District of Percy Northumberland (2), and in a Deed dated 8th February 1977 and made between The Council of the Borough of North Tyneside (1) and Newcastle Diocesan Education Board (2) has been shown to the satisfaction of the Secretary of State for Children Schools and Families ("the Secretary of State") to be or 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 endowment of the foundation include £23,379.00 being part of the net proceeds of sale of the former school premises comprised in the Deed dated 8th February 1977 on deposit at UBS Wealth Management Bank 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 endowment has been made to the Secretary of State by the Newcastle 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**), makes the following Order:—

Citation and commencement

(**a**) 1996 c.56.
(**b**) Section 554 is amended by paragraph 168 of Schedule 30 to the School Standards and Framework 1998 (c.31) and section 556 is amended by paragraph 169 of that Schedule.

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

3. In this Order—

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

"trust assets" means the sum of £23,379.00 invested with UBS Wealth Management Bank representing part of the proceeds of sale of the premises of the Percy St John Church of England School, together with any income derived therefrom (whether before or after the operative date); and

"trustees" means the Diocesan Board.

Trustee and vesting

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

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

Administration of foundation

5.—(1) After payment of any expenses of administration, the Diocesan Board will 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(**a**) as they apply in relation to the trust assets).

Consolidation

6. The trust assets are to be consolidated with the Newcastle Diocesan Education Board Uniform Statutory Trust and that consolidated fund is to be known as The Newcastle Diocesan Education Board Uniform Statutory Trust.

Signed by the authority of the Secretary of State

Julia Gault
Deputy Director
Department for Children Schools and Families

14th August 2009

SCHEDULE

Article 5(2)

The Uniform Statutory Trusts

1. In this Schedule—

"the area" means the Diocese of Newcastle;

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

"relevant school" means a voluntary school or 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 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 Newcastle Diocesan Board of Education as trustee of the foundation known as Percy St John Church of England School and makes new provision as to the use of the endowment of that foundation.

The Order provides for the relevant trust assets to be consolidated with the fund known as the Newcastle Diocesan Education Board Uniform Statutory Trust 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 Newcastle.

(**a**) 2005 c.18