STATUTORY INSTRUMENTS

2010 No. 821

EDUCATION, ENGLAND

The Diocese of Newcastle (Educational Endowments) Order 2010

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

WHEREAS—

(1) the endowment of the educational foundation known as Alnwick Old School in the County of Northumberland ("the foundation"), comprised in a Deed dated 20 March 1897 and made between (1) The Earl Percy and (2) The Minister and Churchwardens of Alnwick ("the Deed"), 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 consist of £214,324.38 being the net proceeds of sale of the former teacher's house comprised in the Deed and on deposit at the 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 said endowment has been made to the Secretary of State by the Newcastle Diocesan Education Board, which body appears to him to be the appropriate authority of the Church of England for the purpose;

(4) the Newcastle Diocesan Education Board is the trustee of the foundation;

(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 Newcastle (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 Newcastle Diocesan Education Board;

"trust assets" means the sum of £214,324.38 invested in the UBS Wealth Management Bank representing the proceeds of sale of the teacher's house of the Alnwick Old School, together with any income derived therefrom (whether before or after the operative date); and

"trustees" means the Diocesan Board.

Administration of foundation

3.—(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 as they apply in relation to the trust assets).

Consolidation

4. The trust assets shall be consolidated with the Newcastle Diocesan Education Board Uniform Statutory Trust fund and that consolidated fund shall be known as the Newcastle Diocesan Education Board Uniform Statutory Trust 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 3(2)

The Uniform Statutory Trusts

1. In this Schedule—

"the area" means the Diocese of Newcastle;

"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 makes new provision as to the use of part of the endowment of the foundation, known as Alnwick Old School.

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