STATUTORY INSTRUMENTS

2010 No. 822

EDUCATION, ENGLAND

The Diocese of Norwich (Educational Endowments) Order 2010

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

WHEREAS—

(1) the endowment of the educational foundation known as Kessingland Church of England Voluntary Controlled Primary School in the County of Suffolk ("the foundation"), comprised in a Deed dated 19th April 1869 and made between (1) John Majoram and (2) The Rector and Churchwardens of Kessingland and a Deed dated 1st March 1942 and made between (1) Miss Laura Helen Tudor Sawbridge and (2) The Minister and Churchwardens of Kessingland, 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 the accrued interest, held on deposit at The Royal Bank of Scotland (Drummonds Branch), resulting from the net proceeds of sale of the former school premises, comprised in the Deeds dated 19th April 1869 and 1st March 1942, 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 Norwich 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 Kessingland Church of England Voluntary Controlled Primary School is vested in The Rector and Churchwardens of Kessingland 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:—

(**a**) 1996 c56.
(**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.

Citation and commencement

1. This Order may be cited as the Diocese of Norwich (Educational Endowments) Order 2010 and shall come into force on 1st April 2010 ("the operative date").

Interpretation

2. In this Order—

"the Diocesan Board" means the Norwich Diocesan Board of Finance Limited;

"trust assets" means the accrued interest, from the net proceeds of sale of the premises of the former Kessingland Church of England Voluntary Controlled Primary School, which is held on deposit at the Royal Bank of Scotland (Drummonds Branch), 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 Diocesan Board is appointed to be trustee of the foundation and of the trust assets.

(2) All funds belonging to or held in trust for the foundation immediately before the operative date 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

4.—(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

5. The Kessingland Church of England School Fund must be consolidated with The Diocese of Norwich Consolidated Education Endowments fund and that consolidated fund must be known as The Diocese of Norwich Consolidated Education Endowments 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 4(2)

The Uniform Statutory Trusts

1. In this Schedule—

"the area" means the Diocese of Norwich;

"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 trust assets of the foundation known as Kessingland Church of England Voluntary Controlled Primary School;

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 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 Norwich Diocesan Board of Finance Limited as trustee of the foundation known as Kessingland Church of England Voluntary Controlled Primary 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 Diocese of Norwich Consolidated Educational Endowments 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 Norwich.

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