

**2012 No. 987**

**EDUCATION, ENGLAND**

**The Diocese of Leicester (Educational Endowments) (Old School Thurcaston) Order 2012**

*Made* - - - - *30th March 2012*

*Coming into force* - - *21st April 2012*

WHEREAS—

(1) the endowment of the educational foundation known as Old School Thurcaston in the county of Leicestershire (“the foundation”), comprised in a Scheme dated 31 October 1874 and a Deed dated 27 April 1876 and made between (1) The Reverend John Fuller and (2) The Trustees of Hills Free School have been shown to the satisfaction of the Secretary of State for Education (“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 £67,796.02 being the net proceeds of sale of the former school premises comprised in the said Scheme dated 31 October 1874 and the Deed dated 27 April 1876 held by the Trustees 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 Leicester 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 EDUCATION, 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 Leicester (Educational Endowments) (Old School Thurcaston) Order 2012 and shall come into force on 21st April 2012 (“the operative date”).

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(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 Leicester Diocesan Board of Education;

“trust assets” means the sum of £67,796.02 representing the proceeds of sale of the premises of the Old School Thurcaston together with any income derived therefrom; 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 (other than such land or hereditaments vested immediately before that date in the Diocesan Board or the Official Custodian for Charities) must 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, in the case of the foundation known as Old School Thurcaston any monies required by the Secretary of State to be paid under section 62(2) of the Education Act 1996, the Diocesan Board must 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 relevant trust assets of the foundation).

## **Consolidation**

5. The trust assets must be consolidated with Leicester Diocesan Board of Education Trust Fund and that consolidated fund must be known as Leicester Diocesan Board of Education Trust Fund.

## **Consultation**

6. The Diocesan Board must consult the Leicester Diocesan Board of Education with regard to the exercise of the powers and functions conferred on it by this Order.

Signed by the authority of the Secretary of State

30th March 2012

*Julia Gault*  
Deputy Director  
Department for Education

## **SCHEDULE**

Article 4(2)

### **The Uniform Statutory Trusts**

1. In this Schedule—

“the area” means the Diocese of Leicester;

“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 Regulations)*

This Order appoints the Leicester Board of Education as trustee of the foundation known as Old School Thurcaston 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 Leicester Diocesan Board of Education 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 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 Leicester.

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(a) 2005 c.18.