

2015 No. 1869

EDUCATION, ENGLAND

The Diocese of Lichfield (Educational Endowments) (Bicton Church of England School) Order 2015

Made - - - - *5th November 2015*

Coming into force - - *25th November 2015*

WHEREAS—

(1) the endowment of the educational foundation relating to the teacher’s house at the Bicton Church of England School, Bicton, Shrewsbury in the county of Shropshire (“the foundation”), comprised in Deeds dated 11th January 1860 and made between (1) John Wingfield, (2) Letitia Emma Sally Wingfield and The Reverend William Wingfield, and (3) John Wingfield, Charles Wingfield, William Wingfield, Humphrey Sandford and John Harley, and 3rd November 1902 and made between (1) William Wingfield, (2) Charles Ralph Borlase Wingfield and Humphrey Sandford, and (3) Mary Teresa Harley, (“the Deeds”) has 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 £177,484.27 being the net proceeds of sale of the teacher’s house comprised in the Deeds held on deposit at the Central Board of Finance of the Church of England 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 Lichfield Diocesan Board of Education, which body appears to her to be the appropriate authority of the Church of England for the purpose;

(4) the Lichfield Diocesan Board of Education 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, THE SECRETARY OF STATE, in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(b), makes the following Order:—

(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.

Citation and commencement

1. This Order may be cited as the Diocese of Lichfield (Educational Endowments) (Bicton Church of England School) Order 2015 and shall come into force on 25th November 2015 (“the operative date”).

Interpretation

2. In this Order—

“the Diocesan Board” means the Lichfield Diocesan Board of Education;

“trust assets” means the sum of £177,484.27 held on deposit at the Central Board of Finance of the Church of England representing the proceeds of sale of the teacher’s house, 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 hereby appointed to be the trustee of the foundation and of the trust assets.

(2) The trust assets 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, the trustees 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(a) as they apply in relation to the trust assets).

Consolidation

5. The trust assets shall be consolidated with the Barchester Fund and that consolidated fund shall be known as the Barchester Fund.

Signed by the authority of the Secretary of State

5th November 2015

Sally Wiseman
Deputy Director
Department for Education

SCHEDULE

Article 4(2)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Lichfield; and

“relevant school” means a voluntary school, a foundation school, an academy school, an alternative provision 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.

(a) 1996 c.56. Schedule 36 was amended by paragraph 10 of Schedule 9 to the Education Act 2005 (c.18).

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 1 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 Lichfield Diocesan Board of Education as trustee of the foundation known as Bicton Church of England School and makes new provision as to the use of the endowment of that foundation.

The Order provides for the trust assets to be consolidated with the fund known as the Barchester 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, academy schools, alternative provision academies, city technology colleges and city colleges for the technology of the arts in the Diocese of Lichfield.

(a) 2005 c.18.