
Changes to legislation: There are currently no known outstanding effects for the Diocesan Boards of Education Measure 2021, Cross Heading: Company or CIO. (See end of Document for details)

SCHEDULES

SCHEDULE 1

DBE: SCHEME FOR DESIGNATION

Company or CIO

- 1 (1) This paragraph applies in the case of a scheme under section 3 which designates a company limited by guarantee or a CIO as the DBE for a diocese.
- (2) The scheme must specify—
 - (a) the name of the designated body,
 - (b) the number with which it is registered in the register of charities, and
 - (c) in the case of a company limited by guarantee, the number with which it is registered in the register of companies.
- (3) Where, immediately before the coming into operation of the scheme, the Board of Finance or another body was holding funds or other property on trust in connection with the provision of church schools in the diocese, the scheme may make provision in relation to that property.
- (4) For the purposes of sub-paragraph (3), the scheme may in particular provide for the transfer of the property concerned to the designated body subject to the same trusts; but property held as permanent endowment is to be held by the designated body as corporate trustee.
- (5) The scheme may not provide for the transfer of property—
 - (a) the transfer of which would trigger a right of reverter, or
 - (b) which is held on the uniform statutory trusts set out in Schedule 36 to the Education Act 1996.
- (6) Where, immediately before the coming into operation of the scheme, the Board of Finance was a member (whether or not as nominee of the DBE) of a relevant company, or had the power to appoint members or directors of a relevant company, the scheme may make provision in relation to that membership or power.
- (7) In sub-paragraph (6), “relevant company” means—
 - (a) the proprietor of one or more Academies,
 - (b) any other company established in connection with the provision of Academies, or
 - (c) a company established to provide educational services in the diocese.
- (8) For the purposes of sub-paragraph (6), the scheme may in particular provide for the substitution of the designated body for the Board of Finance as a member of the relevant company or (as the case may be) as the body entitled to exercise the power of appointment concerned.

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- (9) Where provision made in the scheme for the purposes of sub-paragraph (6) has the effect of altering the company's constitution, section 34 of the Companies Act 2006 (notice to registrar of companies where constitution altered by enactment) applies to the alteration as if it were an alteration made by an enactment; and, for that purpose, a reference in that section to an enactment is to be treated as a reference to the provision in the scheme.

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