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**Changes to legislation:** There are currently no known outstanding effects for the Diocesan Boards of Education Measure 2021, Paragraph 3. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

#### DBE: SCHEME FOR DESIGNATION

##### *Diocesan Board of Finance*

- 3 (1) This paragraph applies in the case of a scheme under section 3 which designates the Board of Finance for a diocese as the DBE for the diocese.
- (2) The scheme must specify—
- (a) the name of the Board of Finance,
  - (b) the number with which it is registered in the register of charities, and
  - (c) the number with which it is registered in the register of companies.
- (3) The scheme must provide for the delegation of the functions which the Board of Finance has as the DBE to the committee of the Board of Finance established under section 3 (referred to in this paragraph as “the DBE committee”).
- (4) The scheme must provide that the Board of Finance in its own right (rather than the Board acting through the DBE committee) may not exercise a function delegated to the DBE committee or a sub-committee unless it is satisfied—
- (a) that the DBE committee or the sub-committee is failing to act in accordance with this Measure or the scheme in relation to that function, and
  - (b) that the failure is significant.
- (5) The scheme must include provision as to the procedure of the DBE committee and of any sub-committee; and the scheme may for that purpose authorise the Board of Finance to make such provision.
- (6) 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.
- (7) For the purposes of sub-paragraph (6), the scheme may in particular provide—
- (a) for the Board of Finance to hold or (as the case may be) to continue to hold the property as trustee subject to the same trusts, but
  - (b) for those trusts to be administered by the members of the DBE committee.
- (8) 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.

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