STATUTORY INSTRUMENTS

2015 No. 831

EDUCATION, ENGLAND

The Diocese of Ely (Educational Endowments) (Fincham Church of England School) Order 2015

Made - - - -	*10th March 2015*
Coming into force - -	*23rd March 2015*

WHEREAS—

(1) the endowment of the educational foundation known as Fincham Church of England School in the county of Norfolk ("the foundation"), comprised in a Deed dated 3rd January 1848 and made between (1) William Blyth and (2) The Rector and Church Wardens of Fincham and regulated by the Charity Commission Scheme dated 3rd September 1976 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 part of the said endowment of the foundation consist of £15,076.40 being the accrued interest up to 30th September 2014 on the accumulated income derived from the proceeds of sale of the former teacher's house comprised in the Deed dated 3rd January 1848 held on deposit at the CBF Church of England Deposit Fund and any income derived therefrom 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 Ely Diocesan Board of Education, which body appears to her to be the appropriate authority of the Church of England for the purpose;

(4) the Ely Diocesan Board of Finance 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 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 Ely (Educational Endowments) (Fincham Church of England School) Order 2015 and shall come into force on 23rd March 2015 ("the operative date").

(**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 Ely Diocesan Board of Finance;

"trust assets" means the sum of £15,076.40 held on deposit at the CBF Church of England Deposit Fund representing the accrued interest up to 30th September 2014 on the accumulated income derived from the proceeds of sale of the former 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. The trust assets must be transferred to the Diocesan Board and all acts necessary for that purpose shall be done by any person holding such funds.

Administration of foundation

4.—(1) After payment of any expenses of administration, 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(**a**) as they apply in relation to the trust assets).

Consolidation

5. The trust assets must be consolidated with the Ely Diocesan Board of Education Barchester Scheme Fund and that fund shall be known as the Ely Diocesan Board of Education Barchester Scheme Fund.

Consultation

6. The Diocesan Board must consult the Ely 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

Sally Wiseman
Deputy Director
Department for Education

10th March 2015

SCHEDULE

Article 4(2)

The Uniform Statutory Trusts

1. In this Schedule—

"the area" means the Diocese of Ely; 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) or (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 makes new provision as to the use of part of the endowment of the foundation known as Fincham Church of England School.

The Order provides for the trust assets to be consolidated with the fund known as the Ely Diocesan Board of Education Barchester Scheme 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 Ely.

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