STATUTORY INSTRUMENTS

2022 No. 304

EDUCATION, ENGLAND

The Diocese of Bath and Wells (Educational Endowments) (Binegar School) Order 2022

Made - - - -	*15th March 2022*
Coming into force - -	*16th March 2022*

It has been shown to the satisfaction of the Secretary of State for Education ("the Secretary of State") that the endowment of the educational foundation known as Binegar School in the county of Somerset, is or has 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.

The endowment is comprised in the deed of the foundation being a deed dated 17th October 1856 and made between (1) William Meade, Henry Davis, John Davis and the Ecclesiastical Commissioners for England and Wales and (2) the Rector and Churchwardens of the Parish of Binegar.

The assets representing the said endowment of the foundation consist of: (a) £263,137.00 being the net proceeds of sale of the former school premises comprised in the said deed held on deposit and (b) any income derived from those assets before the coming into force of this Order.

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 Bath and Wells Diocesan Board of Finance, which body appears to the Secretary of State to be the appropriate authority of the Church of England for the purpose.

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**).

Representations made on the proposed Order by persons interested have been taken into account.

In the event that a trust under section 1 of the Reverter of Sites Act 1987(**b**) has arisen (it being unclear from the available evidence whether this is the case) the Secretary of State is satisfied that all reasonably practicable steps to trace any person who is or may become entitled as beneficiary under such a trust have been taken and there is no claim by any such person which is outstanding or which has at any time been accepted as valid by the trustee or by persons whose acceptance

(**a**) 1996 c.56.
(**b**) 1987 c.15.

binds or will bind the trustee or which have been upheld in proceedings that have concluded (within the meaning of that Act).

Accordingly, the Secretary of State makes the following Order in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(**a**) and section 5 of the Reverter of Sites Act 1987(**b**).

Citation and commencement

1. This Order may be cited as the Diocese of Bath and Wells (Educational Endowments) (Binegar School) Order 2022 and comes into force on the day after the day on which it is made ("the operative date").

Interpretation

2. In this Order—

"the deed" means the deed of the foundation being a deed dated 17th October 1856 and made between (1) William Meade, Henry Davis, John Davis and the Ecclesiastical Commissioners for England and Wales and (2) the Rector and Churchwardens of the Parish of Binegar;

"the endowment" means the endowment comprised in the deed;

"the foundation" means the educational foundation known as Binegar School;

"the Diocesan Board" means the Bath and Wells Diocesan Board of Finance;

"trust assets" means the sum of £263,137.00 held on deposit representing the proceeds of sale of the former premises of Binegar School together with any income derived from those proceeds of sale (whether before or after the operative date);

"trustee" means the Diocesan Board.

Extinguishment of rights under a Reverter of Sites Act trust

3. The rights of any person who is or may become entitled as a beneficiary under the trust which has arisen by virtue of section 1 of the Reverter of Sites Act 1987 in respect of the trust assets are hereby extinguished.

Trustee and vesting

4.—(1) The Diocesan Board is appointed to be the trustee of the foundation and of the trust assets.

(2) The funds belonging to or held in trust for the foundation immediately before the operative date must be transferred to the Diocesan Board and all acts necessary for that purpose must be done by persons holding such funds.

Administration of foundation

5. After payment of any expenses of administration, the Diocesan Board must hold the trust assets on trust on the terms set out in the Schedule (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996(**c**)).

(**a**) Sections 554 and 556 were amended by Schedule 30 to the School Standards and Framework Act 1998 (c. 31).
(**b**) Section 5(1) was amended by Schedule 37 to the Education Act 1996 (c.56).
(**c**) Schedule 36 was amended by paragraph 10 of Schedule 9 to the Education Act 2005 (c.18).

Consolidation

6. The trust assets must be consolidated with The Diocese of Bath and Wells Schools Trust Fund(**a**) and that consolidated fund must be known as The Diocese of Bath and Wells Schools Trust Fund.

Consultation

7. The Diocesan Board must consult the Bath and Wells 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

Louise Whitesman
Deputy Director
15th March 2022 Department for Education

SCHEDULE

Article 5

The Uniform Statutory Trusts

1. In this Schedule—

"the area" means the Diocese of Bath and Wells;

"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.

2. The trustee 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 trustee 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(**b**); and

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(**a**) The Diocese of Bath and Wells Schools Trust Fund's trustee is the Diocesan Board. The assets of the Diocese of Bath and Wells Schools Trust Fund are held under the uniform statutory trusts.
(**b**) 2005 c.18.

(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 Bath and Wells Diocesan Board of Finance as trustee of the foundation known as Binegar School and makes new provision as to the use the endowment of that foundation.

The Order provides for the trust assets to be consolidated with the fund known as The Diocese of Bath and Wells Schools 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) 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 Bath and Wells.

The Order extinguishes the rights of any beneficiary under the trust which may have arisen under section 1 of the Reverter of Sites Act 1987 in respect of the trust assets therein mentioned.