STATUTORY INSTRUMENTS

2022 No. 305

EDUCATION, ENGLAND

The Diocese of Lincoln (Educational Endowments) (Saltfleetby Church of England Primary 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 Saltfleetby Church of England Primary School, in the county of Lincolnshire, 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 a deed dated 5th May 1849 and made between (1) the Reverend Frederic Pyndar Lowe, the Reverend Richard Garvey, the Reverend John Bond and Thomas Charles Oldham and (2) John Lord Bishop of Lincoln and the Reverend Henry Kaye Bonney.

The assets representing the endowment consist of: (a) £127,403 being the net proceeds of sale of the former school premises and teacher's house and held on deposit at CCLA Investment Management Limited; and (b) any income derived from those proceeds of sale before the coming into force of this Order.

Application for an order making new provision as to the use of the endowment has been made to the Secretary of State by the Lincoln Diocesan Trust and Board of Finance Limited, 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**).

No representations have been made on the proposed Order.

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(**b**).

(**a**) 1996 c. 56.
(**b**) Sections 554 and 556 were amended by Schedule 30 to the School Standards and Framework Act 1998(c.31).

Citation and commencement

1. This Order may be cited as the Diocese of Lincoln (Educational Endowments) (Saltfleetby Church of England Primary 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 5th May 1849 and made between (1) the Reverend Frederic Pyndar Lowe, the Reverend Richard Garvey, the Reverend John Bond and Thomas Charles Oldham and (2) John Lord Bishop of Lincoln and the Reverend Henry Kaye Bonney;

"the Diocesan Board" means the Lincoln Diocesan Trust and Board of Finance Limited;

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

"the foundation" means the educational foundation known as Saltfleetby Church of England Primary School;

"trust assets" means the sum of £127,403 held on deposit at CCLA Investment Management Limited representing the net proceeds of sale of the former premises of Saltfleetby Church of England Primary School and teacher's house, together with any income derived from those assets (whether before or after the operative date);

"trustee" means the Diocesan Board.

Trustee and vesting

3.—(1) The Diocesan Board is appointed to be 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

4. 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 (**a**)).

Consolidation

5. The trust assets must be consolidated with the School Buildings Section 86/2 accumulated funds(**b**) and that consolidated fund must be known as the School Buildings Section 86/2 accumulated funds.

Signed by authority of the Secretary of State

Louise Whitesman
Deputy Director
Department for Education

15th March 2022

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

SCHEDULE

Article 4

1. In this Schedule—

"the area" means the Diocese of Lincoln;

"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(**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 Lincoln Diocesan Trust and Board of Finance Limited as trustee of the foundation known as Saltfleetby Church of England Primary 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 School Buildings Section 86/2 accumulated funds 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 Lincoln.

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