STATUTORY INSTRUMENTS

2025 No. 962

EDUCATION, ENGLAND

The Diocese of Chichester (Educational Endowments) (Mountfield and Whatlington Church of England Primary School) Order 2025

Made - - - -	*12th August 2025*
Coming into force - -	*13th August 2025*

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 Mountfield and Whatlington Church of England Primary School in the county of East Sussex, 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 13 July 1920 and made between (1) the Right Honourable Thomas Gair, 1st Baron Ashton of Hyde and (2) the Reverend Frederick Gosual Jameson Page, the Reverend Charles Blanchard, the Right Honourable Eva Margaret, Lady Ashton on Hyde, Mark Pole, Hilda Bessie Gripper and Hugh Sidney Egerton; a deed dated 31 May 1938 and made between (1) the Right Honourable Thomas Henry Raymond, 2nd Baron Ashton of Hyde and (2) The Vicar and Churchwardens of the parish of Mountfield and the Rector and Churchwardens of the parish of Whatlington; and a deed dated 1 October 1874 and made between (1) the Vicar and Churchwardens of the parish of Mountfield and the Rector and Churchwardens of the parish of Whatlington and (2) the committee of management of the school and William Rushton Adamson.

The assets representing the endowment consist of (a) £212,333 being the net proceeds of sale of the former school premises and held on deposit by the Chichester Diocesan Fund and Board of Finance (Incorporated) 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 endowment has been made to the Secretary of State by the Chichester Diocesan Board of Education, 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**).

(**a**) 1996 c. 56.

No representations have been made on the proposed Order.

A trust under section 1 of the Reverter of Sites Act 1987(**a**) has arisen in respect of the land comprised in the deeds of 13 July 1920 and 31 May 1938 and the Secretary of State is satisfied that all reasonably practicable steps to trace any person who is or may become entitled as a beneficiary under the trust have been taken and that consent to the making of an order under section 554 of the Education Act 1996 has been given by every person whose claim to be such a person is outstanding (within the meaning of the said Act of 1987) or which has at any time been accepted as valid by the trustees or by persons whose acceptance binds or will bind the trustees or which has been upheld in proceedings that have been concluded (within the meaning of the said Act of 1987).

Accordingly, the Secretary of State makes this Order in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(**b**).

Citation and commencement

1. This Order may be cited as the Diocese of Chichester (Educational Endowments) (Mountfield and Whatlington Church of England Primary School) Order 2025 and comes into force on the day after the day on which it is made ("the operative date").

Interpretation

2. In this Order—

"the deeds" means the deeds of the foundation being a deed dated 13 July 1920 and made between (1) the Right Honourable Thomas Gair and (2) the Reverend Frederick Gosual Jameson Page, the Reverend Charles Blanchard, the Right Honourable Eva Margaret, Lady Ashton on Hyde, Mark Pole, Hilda Bessie Gripper and Hugh Sidney Egerton; a deed dated 31 May 1938 and made between (1) the Right Honourable Thomas Henry Raymond, 2nd Baron Ashton of Hyde and (2) The Vicar and Churchwardens of the parish of Mountfield and the Rector and Churchwardens of the parish of Whatlington; and a deed dated 1 October 1874 and made between (1) the Vicar and Churchwardens of the parish of Mountfield and the Rector and Churchwardens of the parish of Whatlington and (2) the committee of management of the school and William Rushton Adamson;

"the Diocesan Board" means the Chichester Diocesan Fund and Board of Finance (Incorporated);

"the endowment" means the endowment comprised in the deeds;

"the foundation" means the educational foundation known as Mountfield and Whatlington Church of England Primary School;

"trust assets" means the sum of £212,333 held on deposit account by the Diocesan Board representing the net proceeds of sale of the former premises of the school, together with any income derived from those assets (whether before or after the operative date);

"trustee" means the Diocesan Board.

(**a**) 1987 c. 15: Section 1 was amended by Schedule 2 to the Trusts of Land and Appointment of Trustees Act 1996 (c. 47).
(**b**) Sections 554 and 556 were amended by Schedule 30 to the School Standards and Framework Act 1998 (c. 31).

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 extinguished.

Trustee and vesting

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

(2) All 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 any persons holding such funds.

Administration of foundation

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

Consultation

6. The Diocesan Board must consult the Chichester Diocesan Board of Education with regard to the exercise of the powers and functions conferred on it by this Order.

Consolidation

7. The trust assets must be consolidated with the fund known as the Diocese of Chichester Consolidated Educational Endowments(**b**) and that consolidated fund must be known as the Chichester Diocesan Uniform Statutory Trusts Fund.

Signed by the authority of the Secretary of State

Louise Whitesman
Deputy Director
Department for Education

12th August 2025

(**a**) Schedule 36 was amended by paragraph 10 of Schedule 9 to the Education Act 2005 (c. 18).
(**b**) The trustee of the fund known as the Diocese of Chichester Consolidated Educational Endowments is the Diocesan Board. The assets of the fund known as the Diocese of Chichester Consolidated Educational Endowments are held on the uniform statutory trusts.

SCHEDULE

Article 5

The Uniform Statutory Trusts

1. In this Schedule—

"the area" means the Diocese of Chichester;

"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.

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints the Chichester Diocesan Fund and Board of Finance (Incorporated) as trustee of the foundation known as Mountfield and Whatlington 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 Diocese of Chichester Consolidated Educational Endowments 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 Chichester.

The Order extinguishes the rights of any beneficiary under the trust which has arisen under section 1 of the Reverter of Sites Act 1987.