STATUTORY INSTRUMENTS

2018 No. 569

EDUCATION, ENGLAND

The Diocese of Lichfield (Educational Endowments) (Boothen Church of England School) Order 2018

Made - - - - 3rd May 2018

Coming into force in accordance with article 1

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 Boothen Church of England School, Stoke on Trent, Staffordshire 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 deeds of the foundation being: (a) a deed dated 29th April 1903 and made between Reverend Charles Hare Simpkinson, Herbert Minton Robinson, Frederick Geen, John Blow Ashwell and Frederick Richard Williams; and (b) a deed dated 29th January 1906 and made between Right Reverend Sir Lovelace Tomlinson Stamer and Charles Lynam.

The assets representing the endowment consist of: (a) the net proceeds of sale of the former school premises comprised in the deeds of the foundation and held on deposit at the Church of England Central Board of Finance deposit account (being the sum of £390,735); 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 foundation's trustee, the Lichfield 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**).

No representations have been made on the proposed Order.

A trust under section 1 of the Reverter of Sites Act 1987(**b**) has arisen in relation to the assets of the endowment 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 there is no claim by any such person which is outstanding or which has at any time been

(**a**) 1996 c. 56.
(**b**) 1987 c. 15. Section 1 was amended by Schedule 2 to the Trusts of Land and Appointment of Trustees Act 1996 (c.47).

accepted as valid by the trustee or by persons whose acceptance binds or will bind the trustee, or which has been upheld in proceedings that have been 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(1) of the Reverter of Sites Act 1987(**b**).

Citation and commencement

1. This Order may be cited as the Diocese of Lichfield (Educational Endowments) (Boothen Church of England School) Order 2018 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 29th April 1903 and made between Reverend Charles Hare Simpkinson, Herbert Minton Robinson, Frederick Geen, John Blow Ashwell and Frederick Richard Williams; and a deed dated 29th January 1906 and made between Right Reverend Sir Lovelace Tomlinson Stamer and Charles Lynam;

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

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

"the Diocesan Board" means the Lichfield Diocesan Board of Education;

"trust assets" means the sum of £390,735 held on deposit at the Central Board of Finance of the Church of England representing the endowment of the foundation being the proceeds of sale of the premises of Boothen Church of England School comprised in the deeds, 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 the trust

3. The rights of any person who is or may become entitled as a beneficiary under the trust are extinguished.

Trustee and vesting

4.—(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 shall be transferred to the Diocesan Board and all acts necessary for that purpose shall 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).