STATUTORY INSTRUMENTS

2018 No. 568

EDUCATION, ENGLAND

The Diocese of Lichfield (Educational Endowments) (West Felton Church of England Primary 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 part of the endowment of the educational foundation known as the West Felton Church of England Primary School, Shropshire that relates to the former teacher's house 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 dated 20th December 1871 and made between the Reverend Thomas Mainwaring Bulkley Owen and the Vicar and Church Wardens of the Parish of West Felton.

The assets representing the part of the endowment relating to the former teacher's house consist of: (a) the net proceeds of sale of the former teacher's house, comprised in the deed of the foundation and held on deposit at the Church of England Central Board of Finance Deposit Account (being the sum of £127,638.84); and (b) any income derived from those proceeds of sale before the coming into force of this Order.

An application for an Order making new provision as to the use of the part of the endowment has been made to the Secretary of State by 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 this purpose.

Notice of the proposed order and of the right of persons interested to make representation 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 part 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

(**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).

been 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) (West Felton Church of England Primary 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 deed" means the deed of the foundation dated 20th December 1871 and made between the Reverend Thomas Mainwaring Bulkley Owen and the Vicar and Church Wardens of the Parish of West Felton;

"the endowment" means the part of the endowment of the educational foundation known as West Felton Church of England Primary School comprised in the deed and that relates to the former teacher's house;

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

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

"trust assets" means the sum of £127,638.84 held on deposit at the Central Board of Finance of the Church of England Deposit Account representing the proceeds of sale of the premises of the teacher's house together with any income derived therefrom (whether before or after the operative date).

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.

Division of foundation and trust assets

4.—(1) The trust assets must be divided into two separate trust funds, namely—

(a) the West Felton Church of England Primary School Fund ("the School Fund") comprising eleven fourteenths of the trust assets; and

(b) the West Felton Church of England Primary School Religious Education Fund ("the Religious Education Fund") comprising three fourteenths of the trust assets.

(2) The apportionment of the trust assets required by virtue of this article must be made in every case, after payment of any expenses of administration in accordance with article 6.

Trustee and Vesting

5.—(1) The Diocesan Board is appointed to be the trustee of—

(**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).