STATUTORY INSTRUMENTS

2018 No. 531

EDUCATION, ENGLAND

The Diocese of Lincoln (Educational Endowments) (Saxilby Church of England School) Order 2018

Made - - - - 26th April 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 Saxilby Church of England 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 the deed of the foundation, being a deed dated 16th October 1845 and made between (1) the Reverend Edward Garfit and (2) the Reverend William Brocklehurst Stonehouse, the Reverend Charles Macquaric George Jarvis and the Reverend George James Atkinson.

Lincoln Diocesan Trust and Board of Finance Limited is the trustee of the foundation.

The proceeds of sale of the former school premises, being part of the land comprised in the deed, were the subject of a determination in favour of Lincolnshire Local Education Authority on 4th June 1981 by the Secretary of State for Education and Science pursuant to paragraph 7 of Schedule 1 to the Education Act 1946(**1**).

Application for an order making new provision as to the use of the remainder of the endowment comprising the proceeds of sale of the teacher's house has been made to the Secretary of State by 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.

The assets representing the endowment of the foundation consist of £66,015.49 being the net proceeds of sale of the former teacher's house (being part of the land comprised in the deed) and held on deposit at CCLA Investment Management Limited and any income derived from those assets before the coming into force of this Order.

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(**2**).

No representations have been made on the proposed Order.

(**1**) 1946 c. 50. This Act was repealed by Part 1 of Schedule 38 to the Education Act 1996 (c. 56) but the details of the repeal are not relevant to this Order.
(**2**) 1996 c. 56.

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(**3**)—

Citation and commencement

1. This Order may be cited as the Diocese of Lincoln (Educational Endowments) (Saxilby 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 deed" means the deed of the foundation being a deed dated 16th October 1845 and made between (1) the Reverend Edward Garfit and (2) the Reverend William Brocklehurst Stonehouse, the Reverend Charles Macquaric George Jarvis and the Reverend George James Atkinson;

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

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

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

"trust assets" means the sum of £66,015.49 held on deposit at CCLA Investment Management Limited representing the remaining endowment of the foundation and being the proceeds of sale of the teacher's house, together with any income derived therefrom (whether before or after the operative date).

Division of foundation and trust assets

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

(a) the Saxilby Church of England School Fund ("the School Fund"), comprising eleven-fourteenths of the trust assets; and

(b) the Saxilby Church of England 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 5(1).

Trustee and vesting

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

(a) the foundation;

(b) the trust assets; and

(c) the School Fund established by article 3(1)(a).

(2) The Vicar and Churchwardens for the time being of the Parish of Saxilby are hereby appointed to be the trustees of the Religious Education Fund established by article 3(1)(b).

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