STATUTORY INSTRUMENTS

2017 No. 1294

EDUCATION, ENGLAND

The Diocese of Lincoln (Educational Endowments) (Legsby Old Church of England School) Order 2017

Made - - - - 14th December 2017

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 Legsby Old 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 19th July 1849 and made between Sir John Nelthorpe and the Vicar, Church Wardens and Overseers of the Poor of the Parish of Legsby.

The assets representing the endowment consist of: (a) the school premises of Legsby Old Church of England School, being the school site and buildings erected on it; 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 foundation's trustee, 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 that 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) (Legsby Old Church of England School) Order 2017 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 19th July 1849 and made between Sir John Nelthorpe and the Vicar, Church Wardens and Overseers of the Poor of the Parish of Legsby;

"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 Legsby Old Church of England School ;

"trust assets" means the school premises of Legsby Old Church of England School, being the school site and buildings erected on it, together with any income derived from those assets (whether before or after the operative date); and

"trustee" means the Diocesan Board.

Trustee and vesting

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

(2) The land and hereditaments comprised in the trust assets which belong to or are held in trust for the foundation immediately before the operative date (other than such land or hereditaments vested immediately before that date in the Diocesan Board) are vested in the Diocesan Board.

Administration of foundation

4.—(1) The Diocesan Board is authorised to sell the trust assets and must, until sale, let or otherwise manage such property according to the general law applicable to the management of property held on trust for charitable purposes.

(2) Following such sale, and 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**)).

Consolidation

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

Consultation

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

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