STATUTORY INSTRUMENTS

2017 No. 1170

EDUCATION, ENGLAND

The Diocese of Lichfield (Educational Endowments) (High Offley (St. Mary's) Church of England First School) Order 2017

Made - - - - 24th November 2017

Coming into force in accordance with article 1

WHEREAS—

(1) the endowment of the educational foundation known as High Offley (St. Mary's) Church of England First School in the County of Staffordshire ("the foundation"), comprised in a Deed dated 26th November 1860 and made between (1) Miss Theodosia Hinckes and (2) the Archdeacon of Stafford, has been shown to the satisfaction of the Secretary of State for Education ("the Secretary of State") to be or to have 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;

(2) the assets representing the said endowment of the foundation consist of £57,982.69 being the net proceeds of sale of the former school premises and teacher's house comprised in the Deed dated 26th November 1860 held in the Deposit Fund of the Central Board of Finance of the Church of England and any income derived from those assets before the coming into force of this Order;

(3) application for an order making new provision as to the use of the said 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 the purpose;

(4) 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**);

(5) no representations have been made on the proposed order;

(6) the said endowment consists of the proceeds of sale of land in relation to which a trust under section 1 of the Reverter of Sites Act 1987(**b**) has arisen 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 (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);

(**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).

THE SECRETARY OF STATE FOR EDUCATION, 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)(**b**) of the Reverter of Sites Act 1987—

Citation and commencement

1. This Order may be cited as the Diocese of Lichfield (Educational Endowments) (High Offley (St. Mary's) Church of England First 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 Diocesan Board" means the Lichfield Diocesan Board of Education;

"trust assets" means the sum of £57,982.69 held in the Deposit Fund of the Central Board of Finance of the Church of England representing the proceeds of sale of the premises of the High Offley (St. Mary's) Church of England First School and 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 hereby extinguished.

Division of foundation and trust assets

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

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

(b) the High Offley Church of England 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 is to be made in every case, after payment of any expenses of administration in accordance with article 6(1).

Trustee and vesting

5.—(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 4(1)(a).

(2) The Vicar and Churchwardens for the time being of the Parish of High Offley are appointed to be the trustees of the Religious Education Fund established by article 4(1)(b).

(3) 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 shall be done by any persons holding such funds.

(**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).