STATUTORY INSTRUMENTS

2017 No. 804

EDUCATION, ENGLAND

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

Made - - - - 21st July 2017

Coming into force in accordance with article 1

WHEREAS—

(1) the endowment of the educational foundation known as Heckington Old Church of England School in the county of Lincolnshire ("the foundation"), comprised in a Deed dated 23rd June 1845 and made between Mr William Almond and his Mortgagee and Mr George Herring and the Vicar and Churchwardens of Heckington, and a Deed of Exchange dated 6th April 1896 made between Mr Jeremiah Wright and the Vicar and Churchwardens of Heckington and regulated by a Charity Commission Scheme dated 18th January 1979, 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 £54,014.19 being the accrued interest on the accumulated income derived from the rental income and the net proceeds of sale of the former school premises comprised in the Deeds, immediately prior to a determination of such net proceeds of sale in favour of Lincolnshire Local Education Authority on 5 July 2016 by the Secretary of State pursuant to paragraph 7 of Schedule 1 to the Education Act 1946(**a**), held on deposit at 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 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;

(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(**b**);

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

(6) the said endowment consists of the accrued interest on the accumulated income derived from the rental income and proceeds of sale of land and property, in relation to which a trust under section 1 of the Reverter of Sites Act 1987(**c**) ("the 1987 Act") 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

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

person which is outstanding (within the meaning of the 1987 Act) 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 1987 Act);

THE SECRETARY OF STATE FOR EDUCATION, in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(**a**) and section 5 of the Reverter of Sites Act 1987(**b**), makes the following Order —

Citation and commencement

1. This Order may be cited as the Diocese of Lincoln (Educational Endowments) (Heckington Old Church of England School) Order 2017 and shall come into force on the day after the day it is made ("the operative date").

Interpretation

2. In this Order—

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

"trust assets" means the sum of £54,014.19 held on deposit at the Central Board of Finance of the Church of England, representing the interest on the rental income and proceeds of sale of the former school premises, immediately prior to determination of such net proceeds of sale in favour of Lincolnshire Local Education Authority pursuant to paragraph 7 of Schedule 1 to the Education Act 1946, together with any income derived therefrom (whether before or after the operative date); and

"trustees" means the Diocesan Board.

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.

Trustee and vesting

4.—(1) the Diocesan Board is hereby appointed to be the trustee of the foundation and of the assets.

(2) The trust assets must be transferred to the Diocesan Board and all acts necessary for that purpose shall be done by any persons holding such funds.

Administration of foundation

5.—(1) After payment of any expenses of administration, the trustees must hold the trust assets on the uniform statutory trusts.

(2) In this article "uniform statutory trusts" means the trusts set out in the Schedule to this Order (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996(**c**) as they apply in relation to the trust assets).

(**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).