STATUTORY INSTRUMENTS

2017 No. 795

EDUCATION, ENGLAND

The Diocese of Oxford (Educational Endowments) (Harpsden Church of England School) Order 2017

Made - - - - 11th July 2017

Coming into force in accordance with article 1

WHEREAS —

(1) the first endowment of the educational foundation known as Harpsden Church of England School in the county of Oxfordshire ("the foundation"), comprised in a Deed dated 23th July 1857 and made between (1) John Fowden Hodges, (2) Reverend Francis Knyvett Leighton, Rector of the Parish of Harpsden, and (3) William Henry Workman, Churchwarden of the Parish of Harpsden ("the Deed"), has been shown to the satisfaction of the Secretary of State for Education ("the Secretary of State") 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 (the "First Endowment");

(2) the second endowment of the foundation, comprised of certain land acquired by adverse possession, has also been shown to the satisfaction of the Secretary of State 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 (the "Second Endowment");

(3) the former school premises of the voluntary school consisting of the land of which the First Endowment and Second Endowment were comprised have been sold and the portion of the net proceeds of sale of the former school premises attributable to the Second Endowment amount to the sum of £130,824.50. The said sum of £130,824.50 and any income derived from those assets before the coming into force of this Order represent the assets of the Second Endowment and are held on deposit at CCLA Investment Management Limited;

(4) an application for an order making new provision as to the use of the Second Endowment has been made to the Secretary of State by the Oxford Diocesan Board of Education, and that body appears to her to be the appropriate authority of the Church of England for the purpose;

(5) Diocesan Trustees (Oxford) Limited is the trustee of the foundation;

(6) 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)**;

(7) representations made on the proposed order by persons interested have been taken into account.

(**a**) 1996 c.56.

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**).

Citation and commencement

1. This Order may be cited as the Diocese of Oxford (Educational Endowments) (Harpsden 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 Trustee" means Diocesan Trustees (Oxford) Limited; and

"the trust assets" means the sum of £130,824.50 invested in CCLA Investment Management Limited representing the Second Endowment, together with any income derived from those assets (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) Harpsden Church of England School Fund ("the School Fund") comprising eleven-fourteenths of the trust assets; and

(b) Harpsden 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 after payment of any expenses of administration in accordance with article 5(1).

Trustees and Vesting

4.—(1) The Trustee 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 Parochial Church Council of Harpsden is appointed to be the trustee of the Religious Education Fund established by article 3(1)(b).

Administration of foundation

5.—(1) After payment of any expenses of administration, the Trustee must account for that proportion of the capital and income of the trust assets of the foundation which represents the Religious Education Fund, to the trustee of that fund.

(2) The trustee of the Religious Education Fund must apply the income, and may apply the capital of that fund, for educational purposes related to the Parish of Harpsden in connection with the provision of religious education in accordance with the tenets of the Church of England by means of a Sunday School or otherwise.

(3) The Trustee must hold the School Fund on the uniform statutory trusts.

(**a**) Section 554 was amended by paragraph 168 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) and section 556 was amended by paragraph 169 of that Schedule.