STATUTORY INSTRUMENTS

2016 No. 72

EDUCATION, ENGLAND

The Diocese of Leeds (Educational Endowments) (Aysgarth Church of England School) Order 2016

Made - - - -	*21st January 2016*
Coming into force - -	*9th February 2016*

WHEREAS—

(1) the endowment of the educational foundation known as Aysgarth Church of England School in the County of North Yorkshire ("the foundation") has been shown to the satisfaction of the Secretary of State for Education ("the Secretary of State") to be or to have been used in connection with the provision of religious education in accordance with the tenets of the Church of England as 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 £21,156.60 being the net proceeds of sale of the former school premises held on deposit at the Royal Bank of Scotland Plc, Drummonds Branch 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 Leeds Diocesan Board of Education, which body appears to her 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;

NOW, 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(**b**)—

Citation and commencement

1. This Order may be cited as the Diocese of Leeds (Educational Endowments) (Aysgarth Church of England School) Order 2016 and shall come into force on 9th February 2016 ("the operative date").

Interpretation

2. In this Order—

(**a**) 1996 c.56.
(**b**) Section 554 is amended by paragraph 168 of Schedule 30 to the School Standards and Framework Act 1998 (c.31) and section 556 is amended by paragraph 169 of that Schedule.

"the Diocesan Board" means the Leeds Diocesan Board of Finance;

"trust assets" means the sum of £21,156.60 held on deposit at the Royal Bank of Scotland Plc, Drummonds Branch, representing the proceeds of sale of the premises of Aysgarth Church of England School, 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 Aysgarth Church of England School Fund ("the School Fund") comprising eleven-fourteenths of the trust assets; and

(b) the Aysgarth 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 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 Aysgarth are appointed to be the trustees of the Religious Education Fund established by article 3(1)(b) provided that —

(a) during any period when there is no Vicar as aforesaid or the Bishop declares a period of suspension in respect of the benefice the priest for the time being in charge of the benefice shall by virtue of his office be a trustee of the said fund;

(b) if at any time the benefice is dissolved (or united with another benefice or benefices) by a pastoral scheme or because of any other lawful event the incumbent of a new benefice which incorporates the whole or a major part of the present benefice shall by virtue of his office be a trustee of the said fund; and

(c) if at any time by a pastoral scheme or because of any other lawful event a team ministry is established for the area which includes the present benefice the rector for the time being of that team ministry shall be by virtue of his office a trustee of the said fund, unless by that scheme or lawful event or by virtue of a bishop's licence a special cure of souls is assigned to a vicar in respect of an area which includes the whole or a major part of the present benefice in which case the vicar shall by virtue of his office be a trustee of the said fund.

(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.

Administration of foundation

5.—(1) After payment of any expenses of administration, the Diocesan Board shall account for that proportion of the capital and income of the trust assets of the foundation which represents the Religious Education Fund to the trustees thereof.

(2) The trustees of the Religious Education Fund shall apply the income, and may apply the capital thereof, for educational purposes related to the Parish of Aysgarth 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 Diocesan Board shall hold the School Fund on the uniform statutory trusts.