STATUTORY INSTRUMENTS

2016 No. 71

EDUCATION, ENGLAND

The Diocese of Lichfield (Educational Endowments) (The Former Norton Canes National School) Order 2016

Made - - - -	*21st January 2016*
Coming into force - -	*10th February 2016*

WHEREAS—

(1) the endowment of the educational foundation known as the Former Norton Canes National School in the county of Staffordshire ("the foundation"), comprised in a Deed dated 22nd November 1862 and made between (1) William Hanbury and Phineas Fowke Hussey and (2) the Perpetual Curate and the Churchwardens of the Parish of Norton under Cannock, ("the Deed") 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 non-provided public elementary school, the premises of which ceased before 1st April 1945 to be used for the purposes of such a school;

(2) the assets representing the said endowment of the foundation consist of £205,677.15 being the net proceeds of sale of the former school premises including the teacher's house comprised in the Deed invested in a deposit account 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 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, in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996**(b)**, hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the Diocese of Lichfield (Educational Endowments) (The Former Norton Canes National School) Order 2016 and shall come into force on the 10th February 2016 ("the operative date")

(**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.

Interpretation

2. In this Order—

"the Diocesan Board" means the Lichfield Diocesan Board of Education;

"trust assets" means the sum of £205,677.15 invested in a deposit account of the Central Board of Finance of the Church of England representing the proceeds of sale of the premises of the Former Norton Canes National School including the teacher's house, 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 Norton Canes National School Fund comprising eleven-fourteenths of the trust assets ("the School Fund"); and

(b) the Norton Canes National School Religious Education Fund comprising three-fourteenths of the trust assets ("the Religious Education Fund").

(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 Norton under Cannock are hereby appointed to be the trustees of the Religious Education Fund established by article 3(1)(b).

Administration of foundation

5.—(1) After payment of any expenses of administration, the Diocesan Board 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 trustees of that fund.

(2) The trustees 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 Norton under Cannock 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 must hold the School Fund on the uniform statutory trusts.

(4) 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(**a**) as they apply in relation to the School Fund).

Consolidation

6. The School Fund must be consolidated with the Barchester Fund and that consolidated fund must be known as the Barchester Fund.

(**a**) 1996 c.56. Schedule 36 was amended by paragraph 10 of Schedule 9 to the Education Act 2005 (c.18).