STATUTORY INSTRUMENTS

2016 No. 23

EDUCATION, ENGLAND

The Diocese of York (Educational Endowments) (St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul's Foundry)) Order 2016

Made - - - -	*12th January 2016*
Coming into force - -	*26th January 2016*

WHEREAS —

(1) the endowment of the educational foundation known as St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul's Foundry) in the City of York ("the foundation"), comprised in a Deed dated 19th October 1887 and made between (1) William Benson Richardson, Thomas Peters, Alfred Procter and John Varvill and (2) William Chapman and (3) The Rector and Churchwardens of the Ecclesiastical Parish of St. Paul of York and their successors, ("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 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 £141,371.94 being the net proceeds of sale of the former school premises comprised in the Deed held on deposit by the York Diocesan Board of Finance 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 York 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;

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 York (Educational Endowments) (St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul's Foundry)) Order 2016 and shall come into force on 26th January 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 York Diocesan Board of Finance;

"trust assets" means the sum of £141,371.94 held on deposit by the York Diocesan Board of Finance representing the proceeds of sale of the former school premises of the St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul's Foundry), 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 St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul's Foundry) Fund ("the School Fund") comprising seven-fourteenths of the trust assets ; and

(b) the St. Barnabas Church of England Voluntary Controlled Primary School (formerly St. Paul's Foundry) Religious Education Fund ("the Religious Education Fund") comprising seven-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 St. Barnabas York are appointed to be the trustees of the Religious Education Fund established by article 3(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 the 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 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 St. Barnabas York 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 trust assets).

(**a**) 1996 c.56. Schedule 36 was amended by paragraph 10 of Schedule 9 to the Education Act 2005 (c. 15).