STATUTORY INSTRUMENTS

2015 No. 1577

EDUCATION, ENGLAND

The Diocese of Chester (Educational Endowments) (Backford Church of England School) Order 2015

Made - - - -	*28th July 2015*
Coming into force - -	*26th August 2015*

WHEREAS —

(1) the endowment of the educational foundation known as Backford Church of England School in the county of Cheshire ("the foundation"), comprised in a Deed dated 16th December 1844 and made between (1) Edward Holt Glegg and (2) Reverend Francis Bryans vicar of the Parish of Backford ("the 1844 Deed"), and a Deed dated 20th August 1894 and made between (1) Birkenhead Glegg and (2) Reverend Richard John Fairclough vicar of the Parish of Backford, ("the Deeds") 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;

(2) the assets representing the said endowment of the foundation consist of £31,557.47 being the net proceeds of sale of the former school premises and the former teacher's house and garden comprised in the Deeds on deposit at CCLA Investment Management Limited 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 Chester Diocesan Board of Education, which body appears to her to be the appropriate authority of the Church of England for the purpose;

(4) the Chester Diocesan Board of Education is the trustee of the foundation;

(5) 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)**;

(6) no representations have been made on the proposed order ;

(7) part of the said endowment consists of the proceeds of sale of land and property comprised in the 1844 Deed in relation to which a trust under section 1 of the Reverter of Sites Act 1987(**b**) 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 consent to the making of an order under section 554 of the Education Act 1996(**c**) has been given by every person whose claim to be such a person is outstanding (within the meaning of the said Act of 1987) or which has at any time been accepted as valid by the trustees or by persons whose

(**a**) 1996 c.56.
(**b**) 1987 c.15.
(**c**) Section 554 is amended by paragraph 168 of Schedule 30 to the School Standards and Framework Act 1998 (c.31).

acceptance binds or will bind the trustees, or which has been upheld in proceedings that have been concluded (within the meaning of the said Act of 1987);

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**) and section 5 of the Reverter of Sites Act 1987—

Citation and commencement

1. This Order may be cited as the Diocese of Chester (Educational Endowments) (Backford Church of England School) Order 2015 and shall come into force on 26th August 2015 ("the operative date").

Interpretation

2. In this Order—

"the Diocesan Board" means the Chester Diocesan Board of Education.

"the trust assets" means the sum of £31,557.47 invested in CCLA Investment Management Limited representing the proceeds of sale of the former premises of Backford Church of England School, together with any income derived from those assets (whether before or after the operative date).

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 part of the trust assets, being the net proceeds of sale of the former school premises comprised in the 1844 Deed, are hereby extinguished.

Division of foundation and trust assets

4.—(1) The trust assets must be divided into two separate trust funds, namely—

(a) Backford Church of England School Fund ("the School Fund") comprising eleven-fourteenths of the trust assets; and

(b) Backford 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 6(1).

Trustees and Vesting

5.—(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 4(1)(a).

(2) The Vicar and Churchwardens for the time being of the Parish of Backford are appointed to be the trustees of the Religious Education Fund established by article 4(1)(b).

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