STATUTORY INSTRUMENTS

2015 No. 833

EDUCATION, ENGLAND

The Diocese of Worcester (Educational Endowments) (Evesham Church of England First School) Order 2015

Made - - - -	*10th March 2015*
Coming into force - -	*24th March 2015*

WHEREAS—

(1) the endowment of the educational foundation known as Evesham Church of England First School, in the County of Worcester ("the foundation"), comprised in a Deed dated 25th August 1843 and made between (1) John Thomas and (2) The Reverend John Marshall and others, a Deed dated 27th September 1866 and made between (1) Joseph Bedenham and (2) William Abraham Byrch and others, a Deed dated 30th July 1910 and made between (1) Emily Alford Rudge and another and (2) The Reverend James Manders Walker and others and a Deed dated 8th June 1987 and made between (1) The County Council of Hereford and Worcester and (2) Lieutenant Colonel Richard Geoffrey Burlingham and others ("the Deeds") 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 £165,003.96 being the net proceeds of sale of the former school premises comprised in the Deeds, after a determination made on 18th November 1988 by the Secretary of State for Education and Science concerning part of the proceeds of sale in favour of the Local Education Authority pursuant to paragraph 7 of Schedule 1 to the Education Act 1946(**a**), invested in 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 Worcester Diocesan Board of Finance Limited 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(**b**);

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

(**a**) 1946 c.30. This Act was repealed by Part I of Schedule 38 to the Education Act 1996 (c.56) but the details of the repeal are not relevant to this Order.
(**b**) 1996 c.56.

NOW, THE SECRETARY OF STATE 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 Worcester (Educational Endowments) (Evesham Church of England First School) Order 2015 and shall come into force on the 24th March 2015 ("the operative date")

Interpretation

2. In this Order—

"the Diocesan Board" means the Worcester Diocesan Board of Finance Limited; and

"trust assets" means the sum of £165,003.96 invested in the Central Board of Finance of the Church of England representing the net proceeds of sale of the premises of Evesham Church of England First School after a determination made on 18th November 1988 by the Secretary of State for Education and Science concerning part of the proceeds of sale in favour of the Local Education Authority pursuant to paragraph 7 of Schedule 1 to the Education Act 1946 together with any income derived therefrom (whether before or after the operative date).

Trustee and vesting

3.—(1) The Diocesan Board is appointed to be trustee of the foundation and of the trust assets.

(2) All funds belonging to or held in trust for the foundation immediately before the operative date (other than such land or hereditaments vested immediately before that date in the Diocesan Board or the Official Custodian for Charities) 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

4.—(1) After payment of any expenses of administration, the Diocesan Board shall hold the trust assets on the uniform statutory trusts.

(2) 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(**b**) as they apply in relation to the trust assets).

Consolidation

5. The trust assets shall be consolidated with the Worcester Diocesan Church Schools Improvement and Maintenance Fund.

Consultation

6. The Diocesan Board must consult the Worcester Diocesan Board of Education with regard to the exercise of the powers and functions conferred on it by this Order.

Signed by the authority of the Secretary of State

(**a**) 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.

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