



Education Act 1993 (repealed)

1993 CHAPTER 35

PART VI

MISCELLANEOUS

Voluntary and grant-maintained schools: endowments

287 Religious educational trusts: adoption of statutory trusts.

- (1) This section applies to endowments which are—
- (a) regulated by an existing scheme under the Endowed Schools Acts 1869 to 1948 as applied by section 86(1) of the ^{M1}Education Act 1944 or by an order, whenever made, under section 2 of the ^{M2}Education Act 1973; and
 - (b) held under any such scheme or order on trusts which provide for capital or income or both to be applicable for or in connection with—
 - (i) the provision of religious education at relevant schools, or relevant schools of any description (but not only at a particular school or schools) in a diocese or other geographical area; or
 - (ii) the provision of premises for relevant schools, or relevant schools of any description (but not only at a particular school or schools) at which religious education is or is to be provided in a diocese or other geographical area;
- but this section does not apply to an endowment if or in so far as it constitutes a religious education fund.
- (2) The trustees of any endowments to which this section applies may, by resolution complying with subsection (6) below, adopt the uniform statutory trusts as the trusts on which those endowments are to be held.
- (3) The uniform statutory trusts are those set out in Schedule 17 to this Act.
- (4) On the adoption by trustees of the uniform statutory trusts in respect of any endowments the scheme or order which regulates the endowments shall have effect as

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Cross Heading: Voluntary and grant-maintained schools: endowments. (See end of Document for details)*

if the uniform statutory trusts are incorporated in the scheme or order to the exclusion of the corresponding provisions of the scheme or order.

- (5) The trustees of two or more endowments which are held on the uniform statutory trusts may, by resolution complying with subsection (6) below, consolidate all or any of those endowments and, where they do so, the endowments shall be treated, for all purposes, as held for the purposes of a single charity.
- (6) For a resolution to comply with this subsection—
- (a) it must be passed by a simple majority of the trustees or, if the trustees are a body corporate or a company, by a simple majority of the members of the body corporate or an ordinary resolution of the company; and
 - (b) it must be recorded in the records of the decisions of the trustees affecting the endowments of the trust.
- (7) Where trustees pass a resolution under subsection (2) above it shall be their duty to send a copy of the resolution to the Secretary of State.
- (8) The uniform statutory trusts applicable to endowments to which this section applies shall not affect—
- (a) the rights of any person under the third proviso to section 2 of the ^{M3}School Sites Act 1841, section 86(3) of the ^{M4}Education Act 1944 or section 1 of the ^{M5}Reverter of Sites Act 1987 (rights replacing certain reversionary interests in land); or
 - (b) the rights of any local education authority which have arisen or may arise under paragraph 7 or 8 of the First Schedule to the ^{M6}Education Act 1946 (rights in relation to school sites provided by such authorities);
- except in so far as any right falling within paragraph (a) above is extinguished by an order under section 2 of the ^{M7}Education Act 1973 made by virtue of section 5 of the Reverter of Sites Act 1987.

- (9) In this section—

“company” means a company formed under the Companies Acts;

“the Companies Acts” means the ^{M8}Companies Act 1985, the ^{M9}Companies Act 1948 or any Act repealed by that Act of 1948;

“endowment” includes property not subject to any restriction on the expenditure of capital;

“existing” means in force on the day on which this section comes into force;

“provision”, in relation to premises, means provision by the purchase of a site, the erection of premises or the maintenance, improvement or enlargement of premises;

“relevant school” means a voluntary school or a grant-maintained school.

“religious education” means religious education in accordance with the tenets of a particular religion or religious denomination; and

“religious education fund” includes a Sunday school fund.

- (10) In Schedule 17 to this Act as incorporated in any scheme or order—

“the area” means the diocese or other geographical area within which the trust assets may be applied under the scheme or order, as the case may be;

“relevant school” means a relevant school at which the religious education provided for in the scheme or order, as the case may be, is or is to be provided; and

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“the relevant trust assets” means the endowments in respect of which the trustees have adopted the uniform statutory trusts, including the income derived therefrom.

Marginal Citations

- M1** 1944 c. 31.
- M2** 1973 c. 16.
- M3** 1841 c. 38.
- M4** 1944 c. 31.
- M5** 1987 c. 15.
- M6** 1946 c. 50.
- M7** 1973 c. 16.
- M8** 1985 c. 6.
- M9** 1948 c. 38.

288 Religious educational trusts: supplementary provision.

- (1) Section 2 of the ^{M10}Education Act 1973 (special powers as to certain trusts for religious education) is amended as follows.
- (2) In subsection (4), at the end (definition of “use for appropriate educational purposes”) there is inserted “ including, in particular, but without prejudice to the generality of the foregoing words, use for any purpose specified in Schedule 17 to the Education Act 1993. ”
- (3) In subsection (3), after “dwelling-house” there is inserted “ and may consolidate any endowments to be dealt with by the scheme ”.
- (4) After subsection (5) there is inserted—
“(5A) Where a scheme given effect under this section provides for the endowments dealt with by the order or any part of them to be used for the purposes specified in Schedule 17 to the Education Act 1993, any such scheme may provide for the endowments thereby dealt with or any part of them to be added to any existing endowment applicable for those purposes (whether it is so applicable by virtue of a scheme given effect under this section or otherwise).”

Marginal Citations

- M10** 1973 c. 16.

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