



# Education Act 1996

## 1996 CHAPTER 56

### PART X

#### MISCELLANEOUS AND GENERAL

#### CHAPTER III

#### OTHER PROVISIONS ABOUT SCHOOLS

#### *Religious educational trusts*

#### **557 Adoption of statutory trusts.**

- (1) This section applies to endowments which are—
- (a) regulated by a qualifying scheme under the Endowed Schools Acts 1869 to 1948 as applied by section 86(1) of the <sup>M1</sup>Education Act 1944 or by an order under section 554 of this Act or section 2 of the <sup>M2</sup>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), adopt the uniform statutory trusts as the trusts on which those endowments are to be held.

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*Status: Point in time view as at 01/10/2009. This version of this provision has been superseded.*

*Changes to legislation: Education Act 1996, Section 557 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (3) The uniform statutory trusts are those set out in Schedule 36.
- (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 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), 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), 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 <sup>M3</sup>School Sites Act 1841, under section 86(3) of the <sup>M4</sup>Education Act 1944 or under section 1 of the <sup>M5</sup>Reverter of Sites Act 1987 (rights replacing certain reversionary interests in land), or
  - (b) the rights of any local education authority which have arisen under paragraph 7 or 8 of the First Schedule to the <sup>M6</sup>Education Act 1946 (rights in relation to school sites provided by such authorities) or which may arise under section 60(4) or 62(2),
- except in so far as any right falling within paragraph (a) above is or has been extinguished by an order under section 554 of this Act or section 2 of the <sup>M7</sup>Education Act 1973 made by virtue of section 5 of the Reverter of Sites Act 1987.
- (9) In this section—
- [<sup>F1</sup>“company” means a company as defined in section 1(1) of the Companies Act 2006;]
- <sup>F2</sup> <sup>M8M9</sup>  
...
- “endowment” has the same meaning as in section 554;
- “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;
- “qualifying scheme” means a scheme in force on 1st January 1994 (the date when section 287 of the <sup>M10</sup>Education Act 1993 came into force);
- “relevant school” means [<sup>F3</sup>a foundation or voluntary 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 36 as incorporated in any scheme or order—

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“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 [<sup>F4</sup>, Academy, city technology college or city college for the technology of the arts,] at which the religious education provided for in the scheme or order, as the case may be, is or is to be provided; and

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

#### Textual Amendments

- F1** Words in s. 557(9) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 163(a)** (with art. 10)
- F2** Words in s. 557(9) omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 163(b)** (with art. 10)
- F3** Words in s. 557(9) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.170** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** S. 557(10): words in definition of "relevant school" inserted (26.7.2002) by Education Act 2002 (c. 32), **ss. 69, 216(2)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

#### 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.  
**M10** 1993 c. 35.

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