

2023 No. 1155

EDUCATION, ENGLAND

The Diocese of Canterbury (Educational Endowments) (Detling Church of England Primary School) Order 2023

Made - - - - 27th October 2023

Coming into force - - 28th October 2023

It has been shown to the satisfaction of the Secretary of State for Education (“the Secretary of State”) that the endowment of the educational foundation known as Detling Church of England Primary School in the county of Kent (“the foundation”) is or has 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.

The endowment is comprised in a deed dated 1st August 1855 between (1) Robert Rugg and (2) the Vicar and Churchwardens of Detling.

The assets representing the said endowment of the foundation consist of: (a) £210,000 representing the remaining part of the net proceeds of sale of the school premises comprised in the deed and held on deposit by Furley Page solicitors following the distribution of part of the net proceeds of sale to satisfy the claim referred to in the seventh recital below; and (b) any income derived from those assets before the coming into force of this Order.

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 Canterbury Diocesan Board of Education, which body appears to the Secretary of State to be the appropriate authority of the Church of England for the purpose.

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).

No representations have been made on the proposed Order.

A trust under section 1 of the Reverter of Sites Act 1987(b) has arisen in relation to the assets of the endowment 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 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: Section 1 was amended by Schedule 2 to the Trusts of Land and Appointment of Trustees Act 1996 (c. 47).

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).

Accordingly, the Secretary of State, 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(b), makes the following Order.

Citation and commencement

1. This Order may be cited as the Diocese of Canterbury (Educational Endowments) (Detling Church of England Primary School) Order 2023 and comes into force on the day after the day on which it is made (“the operative date”).

Interpretation

2. In this Order—

“the deed” means the deed of the foundation dated 1st August 1855 between (1) Robert Rugg and (2) the Vicar and Churchwardens of Detling;

“the Diocesan Board” means the Canterbury Diocesan Board of Finance;

“the endowment” means the endowment comprised in the deed;

“the foundation” means the educational foundation known as Detling Church of England Primary School;

“trust assets” means the sum of £210,000 held on deposit at Furley Page Solicitors being the remaining part of the net proceeds of sale of the former school premises referred to in the third recital of this Order 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 the trust assets are extinguished.

Division of foundation and trust assets

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

(a) the Detling Church of England School Fund (“the School Fund”) comprising eleven-fourteenths of the trust assets; and

(b) the Detling Church of England 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 in every case, after payment of any expenses of administration in accordance with article 6(1).

Trustee 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).

(a) Sections 554 and 556 were amended by Schedule 30 to the School Standards and Framework Act 1998 (c. 31).

(b) Section 5(1) was amended by Schedule 37 to the Education Act 1996 (c. 56).

(2) The Incumbent of the benefice which contains the ecclesiastical parish of Detling and Thurnham and the Churchwardens for the time being of the Parish of Detling and Thurnham are hereby appointed to be the trustees of the Religious Education Fund established by article 4(1)(b).

Administration of foundation

6.—(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 Detling and Thurnham 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 terms set out in the Schedule (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996(a)).

Consolidation

7. The School Fund must be consolidated with the fund known as the Canterbury Diocesan Board of Education General Education Fund(b) and that consolidated fund must be known as the Canterbury Diocesan Board of Education General Education Fund.

Consultation

8. The Diocesan Board must consult the Canterbury 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

27th October 2023

Louise Whitesman
Deputy Director
Department for Education

SCHEDULE

Article 6(3)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Canterbury;

“relevant school” means a voluntary school, a foundation school, an academy school, an alternative provision academy, a city technology college or a city college for the technology of the arts at which religious education in accordance with the tenets of the Church of England is or is to be provided;

“relevant trust assets” means the School Fund; and

“trustee” means the Diocesan Board.

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

(b) The trustee of the Canterbury Diocesan Board of Education General Education Fund is the Diocesan Board. The assets of the Canterbury Diocesan Board of Education General Education Fund are held on the uniform statutory trusts.

2. The trustee may, after payment of any expenses incurred in connection with the administration of the trust, apply the capital and income of the relevant trust assets for any of the following purposes—

- (a) in or towards the purchase of a site for, or the erection, improvement or enlargement of, the premises of any relevant school in the area;
- (b) for the maintenance of any relevant school in the area;
- (c) in or towards the purchase of a site for, or the erection, improvement or enlargement of, the premises of a teacher's house for use in connection with any relevant school in the area; and
- (d) for the maintenance of a teacher's house for use in connection with any relevant school in the area.

3. The trustee may also, after payment of any expenses incurred in connection with the administration of the trust, apply the income of the relevant trust assets for any of the following purposes—

- (a) in or towards the provision of advice, guidance and resources (including materials) in connection with any matter related to the management of, or education provided at, any relevant school in the area;
- (b) the provision of services for the carrying out of any inspection of any relevant school in the area required by Part 1 of the Education Act 2005(a); and
- (c) to defray the cost of employing or engaging staff in connection with—
 - (i) the application of income of the relevant trust assets for either of the purposes referred to in sub-paragraphs (a) and (b) above, or
 - (ii) the application of capital or income of the relevant trust assets for any of the purposes referred to in paragraph 2 above.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes new provision as to the use of the endowment of the foundation known as Detling Church of England Primary School. It creates a separate foundation for the purpose of providing religious education in accordance with the doctrines of the Church of England within the Parish of Detling and Thurnham.

The Order provides for the relevant trust assets to be consolidated with the fund known as the Canterbury Diocesan Board of Education General Education Fund and held on the uniform statutory trusts as set out in the Schedule to the Order (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996) for the benefit of Church of England voluntary schools, foundation schools, academy schools, alternative provision academies, city technology colleges and city colleges for the technology of the arts in the Diocese of Canterbury.

The Order extinguishes the rights of any beneficiary under the trust which has arisen under section 1 of the Reverter of Sites Act 1987.

(a) 2005 c. 18.