

Citation and commencement

1. This Order may be cited as the Diocese of Leeds (Educational Endowments) (Startforth Morritt Church of England Primary School) Order 2024 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 a Conveyance dated 14th July 1892 and made between (1) William Watson and (2) The Minister and Churchwardens of the Parish of Startforth;

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

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

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

“trust assets” means:

- (a) £174, 822 being the net proceeds of sale of numbers 1 and 3 School Cottages and held by the trustees on deposit at CCLA Investment Management Limited pursuant to a Charity Commission scheme dated 7th March 2001;
- (b) the school site and buildings erected thereon; and
- (c) any income derived from those assets (whether before or after the operative date);

“trustee” means the Diocesan Board.

Trustee and vesting

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

(2) The trust assets held immediately before the operative date must be transferred to the Diocesan Board and all acts necessary for that purpose must be done by persons holding such funds.

Administration of foundation

4.—(1) The Diocesan Board is authorised, subject to the provisions of the Assets of Community Value (England) Regulations 2012, to sell the school site and buildings and must, until sale, let or otherwise manage such property according to the general law applicable to the management of property held on trust for chargeable purposes.

(2) After payment of any expenses of administration, the Diocesan Board must hold the trust assets on trust on the terms set out in the Schedule (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996(a)).

Consultation

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

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

Signed by authority of the Secretary of State

18th April 2024

Louise Whitesman
Deputy Director
Department for Education

SCHEDULE

Article 4(2)

1. In this Schedule—

“the area” means the episcopal area of Ripon;

“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.

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 relevant income of the 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.

(a) 2005 c. 18.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints Leeds Diocesan Board of Finance as trustee of the foundation known as Startforth Morritt Church of England Primary School and makes new provision as to the use of that foundation.

The Order provides for the trust assets to be 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 episcopal area of Ripon in the Diocese of Leeds.