

2023 No. 0000

EDUCATION, ENGLAND

**The Diocese of Ely (Educational Endowments) (Wormegay
Church of England School) Order 2023**

Made 2023

Coming into force 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 Wormegay Church of England School in the County of Norfolk 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 the deeds of the foundation, being a deed dated 30th April 1840 and made between (1) David Gurney and (2) William Wilson Lee Warner and Francis Hay Gurney and as varied by a Charity Commission Order dated 10 January 1868 and a Charity Commission Order dated 20 January 1899.

The assets representing the endowment consist of the school site and buildings erected thereon, including 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 endowment has been made to the Secretary of State by the Ely 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).

[Representations made on the proposed Order by persons interested have been taken into account]
[No representations have been made on the proposed Order.]

Accordingly, the Secretary of State makes the following Order in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996(b).

(a) 1996 c.56.

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

Citation and commencement

1. This Order may be cited as the Diocese of Ely (Educational Endowments) (Wormegay Church of England School) Order 2023 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 being a deed dated 30th April 1840 and made between (1) David Gurney and (2) William Wilson Lee Warner and Francis Hay Gurney and as varied by a Charity Commission Order dated 10 January 1868 and a Charity Commission Order dated 20 January 1899;

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

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

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

“trust assets” means the school site and buildings erected thereon, together with 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 the trustee of the foundation and of the trust assets.

(2) The funds belonging to or held in trust for the foundation 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 to sell the trust assets and must, until sale, let or otherwise manage such assets according to the general law applicable to the management of property held on trust for charitable purposes.

(2) After payment of any expenses of administration, the Diocesan Board must hold the trust assets on the 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

5. The trust assets must be consolidated with Ely Diocesan Board of Education Barchester Scheme Fund(b) and that fund shall be known as the Ely Diocesan Board of Education Barchester Scheme Fund.

Consultation

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

Signed by authority of the Secretary of State

Name

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

(b) The trustee of the Statutory Trust Ely Diocesan Board of Education Barchester Scheme Fund is the Diocesan Board. The assets of the Ely Diocesan Board of Education Barchester Scheme Fund are held under the uniform statutory trusts.

SCHEDULE

Article 4(2)

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of Ely;

“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 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 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 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 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 appoints the Ely Diocesan Board of Finance as trustee of the foundation known as Wormegay Church of England School and makes new provision as to the use of the endowment of that foundation.

The Order provides for the trust assets to be consolidated with the fund known as Ely Diocesan Board of Education Barchester Scheme 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

(a) 2005 c.18.

schools, alternative provision academies, city technology colleges and city colleges for the technology of the arts in the Diocese of Ely.