

2025 No. 280

EDUCATION, ENGLAND

The Diocese of York (Educational Endowments) (St Mary's Church of England Day School (Boys' Department)) Order 2025

Made - - - -

6th March 2025

Coming into force - -

7th March 2025

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 St Mary’s Church of England Day School (Boys' Department), in the county of East Yorkshire, 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 Conveyance dated 11th December 1912 and made between (1) Frederick George Hobson, and (2) the Vicar and Churchwardens of the Parish of St Mary and St Nicholas in Beverley.

The proceeds of sale of the former school premises, comprised in the above-mentioned deed, were the subject of an agreement between the County Council of Humberside and the Vicar and Churchwardens of the Parish of St Mary and St Nicholas in Beverley, pursuant to paragraph 7 of Schedule 1 to the Education Act 1946^(a) whereby £25,668 of the said proceeds of sale including insurance monies and interest were paid to the County Council of Humberside.

The assets representing the endowment consist of 23599 units held in the Charities Official Investment Fund and 33820 units held in the CBF deposit fund and represent the net balance of funds relating to the former school premises plus any income derived from those units which are held by the York Diocesan Board of Finance Limited 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 York Diocesan Board of Finance Limited, 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^(b).

^(a) 1946 c. 50.

^(b) 1996 c. 56.

No representations have been made on the proposed Order.

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

Citation and commencement

1. This Order may be cited as the Diocese of York (Educational Endowments) (St Mary's Church of England Day School (Boys' Department)) Order 2025 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 deed of the foundation being a Conveyance dated 11th December 1912 and made between (1) Frederick George Hobson, and (2) the Vicar and Churchwardens of the Parish of St Mary and St Nicholas in Beverley;

"the Diocesan Board" means the York Diocesan Board of Finance Limited;

"the endowment" means the endowment comprised in the deed;

"the foundation" means the educational foundation known as St Mary's Church of England Day School (Boys' Department);

"trust assets" means 23599 units held in the Charities Official Investment Fund and 33820 units held in the CBF deposit fund representing the net balance of funds relating to the former premises of St Mary's Church of England Day School (Boys' Department), 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 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 and foundation

4. 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(b)).

Consolidation

5. The trust assets must be consolidated with the York Diocesan Board of Education's Uniform Statutory Trust Fund(c) and that consolidated fund must be known as the York Diocesan Board of Education's Uniform Statutory Trust Fund.

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

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

(c) The trustee of the York Diocesan Board of Education's Uniform Statutory Trust Fund is the Diocesan Board. The assets of the York Diocesan Board of Education's Uniform Statutory Trust Fund are held under the uniform statutory trusts.

Consultation

6. The Diocesan Board must consult the York 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

6th March 2025

Louise Whitesman
Deputy Director
Department for Education

SCHEDULE

Article 4

The Uniform Statutory Trusts

1. In this Schedule—

“the area” means the Diocese of York;

“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 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 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 the York Diocesan Board of Finance Limited as trustee of the foundation known as St Mary's Church of England Day School (Boys' Department) 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 the York Diocesan Board of Education's Uniform Statutory Trust 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 York.