

**2021 No. 1225 (W. 308)**

**EDUCATION, WALES**

The Diocese of Bangor  
(Educational Endowments) (Ysgol  
Llanddeusant) Order 2021

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order appoints Bangor Diocesan Trust as trustee of the endowment of the educational foundation known as the Ysgol Llanddeusant School Foundation of Llanddeusant, Holyhead, LL65 4AD.

It creates two separate trusts, called the School Fund and the Religious Education Fund, and divides the Foundation's assets between them.

The School Fund is established under the uniform statutory trusts as set out in the Schedule for the benefit of the Church in Wales voluntary and foundation schools in the Diocese.

The Religious Education Fund is established for the purpose of providing religious education in accordance with the doctrines of the Church in Wales within the parish in which the school was situated.

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Llanddeusant) Order 2021**

*Made* *1 November 2021*

*Coming into force* *1 December 2021*

The Endowment has been shown to the satisfaction of the Welsh Ministers to be or to have been held in connection with the provision of religious education in accordance with the tenets of the Church in Wales at a voluntary school, the premises of which have ceased to be used for the purposes of such a voluntary school.

An application for an Order making new provision for the use of the Endowment has been made to the Welsh Ministers by the Bangor Diocesan Board of Finance, which body appears to the Welsh Ministers to be the appropriate authority of the Church in Wales for that purpose.

Notice of the proposed Order and of the right of persons interested to make representations has been given in accordance with the provisions of section 555 of the Education Act 1996.

No representations have been made on the proposed Order.

The Foundation assets are £41,800 being the net proceeds of sale from 10 February 2017 of the premises of the former school comprised in the Founding deed, and also any income derived from those assets before the coming into force of this Order.

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 554 and

556 of the Education Act 1996, and now vested in them(1) make the following Order:

### **Title, commencement and application**

1.—(1) This Order is called the Diocese of Bangor (Educational Endowments) (Ysgol Llanddeusant) Order 2021 and comes into force on 1 December 2021.

(2) This Order applies in relation to Wales.

### **Interpretation**

2. In this Order unless the context otherwise requires—

“Article” (*“Erthygl”*) means an article in this Order;

“the Diocese” (*“yr Esgobaeth”*) means the Diocese of Bangor and “the Diocesan Trust” (*“yr Ymddiriedolaeth Esgobaethol”*) is to be construed accordingly;

“the Endowment” (*“y Gwaddol”*) means the endowment comprised in the Founding deed;

“the Foundation” (*“y Sefydliad”*) means the educational foundation known as Ysgol Llanddeusant established by the Founding deed;

“the Foundation assets” (*“asedau’r Sefydliad”*) means the assets currently representing the Endowment;

“the Founding deed” (*“y weithred Sefydliu”*) means the deed made on 3 September 1847 between (1) James Williams, Rector of Llanddeusant and (2) the Bishop of Bangor, the Archdeacon of Bangor and the Rector of Llanddeusant;

“foundation school” (*“ysgol sefydledig”*) has the same meaning as in the Schools Standards and Framework Act 1998(2);

“paragraph” (*“paragraff”*) followed by a specified number in any Article refers to the paragraph of that number in that same Article;

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- (1) 1996 c. 56. Section 554(1) was substituted by paragraph 168(2) of Schedule 30 to the School Standards and Framework Act 1998 (c. 15). Section 554(3)(a) was substituted by paragraph 168(3) of Schedule 30 to the School Standards and Framework Act 1998. Section 554(3)(b) was amended by paragraph 168(3)(b) of Schedule 30 to the School Standards and Framework Act 1998. Section 556(2)(a) was amended by paragraph 169(a) of Schedule 30 to the School Standards and Framework Act 1998. Section 556(2)(b) was amended by paragraph 169(b) of Schedule 30 to the School Standards and Framework Act 1998. The functions of the Secretary of State under sections 554 and 556 of the Education Act 1996 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (2) 1998 c. 31.

“the Religious Education Fund” (“*y Gronfa Addysg Grefyddol*”) means the religious education fund established by Article 4(b);

“the Schedule” (“*yr Atodlen*”) means the schedule to this Order;

“the School Fund” (“*Cronfa’r Ysgol*”) means the school fund established by Article 4(a); and

“voluntary school” (“*ysgol wirfoddol*”) has the same meaning as in the School Standards and Framework Act 1998.

### **Trustee and vesting**

**3.**—(1) This Order appoints the Diocesan Trust to be Trustee of—

- (a) the Foundation,
- (b) the Foundation assets,
- (c) the School Fund, and
- (d) the Religious Education Fund.

(2) All funds which immediately before the date of this Order belong to or are held in trust for the Foundation, (other than any funds already held by the Diocesan Trust) are to be transferred to the Diocesan Trust, and all acts necessary for that purpose are to be done by any person holding such funds.

### **Division of Assets**

**4.** The Foundation assets are to be divided into two separate trust funds namely—

- (a) the School Fund comprising 11/14ths of the Foundation assets, and
- (b) the Religious Education Fund comprising 3/14ths of the Foundation assets.

### **Administration of Foundation**

**5.**—(1) After payment of any expenses of administration, the Diocesan Trust must account for that proportion of the capital and income of the Foundation assets which represents the Religious Education Fund to the Vicar, or Rector, and Churchwardens of the parish for which the Foundation was established to provide religious education.

(2) Each Vicar, or Rector, and Churchwardens to whom payment is made in accordance with the provisions of the preceding paragraph are to be constituted as trustees of the Religious Education Fund and may retain the capital of the Fund and may apply the accruing income thereof, or may apply the capital thereof, towards educational purposes related to the said parish in connection with the provision of religious education in accordance with the tenets of the

Church in Wales by means of a Sunday School or otherwise.

(3) The Diocesan Trust is to hold the School Fund on the uniform statutory trusts for the benefit of Church in Wales voluntary or foundation schools within the Diocese.

(4) In this Article “uniform statutory trusts” means the trusts set out in the Schedule (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996 as they apply in relation to the School Fund).

### **Consolidation**

6. The School Fund may be consolidated with any existing endowment held for the purposes specified in the Schedule.

*Jeremy Miles*

Minister for Education and Welsh Language, one of the Welsh Ministers

1 November 2021

## SCHEDULE

Article 5

1. The Diocesan Trust may, after payment of any expenses incurred in connection with the administration of the School Fund, apply the capital and income of the School Fund 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 Diocese;
- (b) for the maintenance of any relevant school in the Diocese;
- (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 Diocese; and
- (d) for the maintenance of a teacher's house for use in connection with any relevant school in the Diocese.

2. The Diocesan Trust may also, after payment of any expenses incurred in connection with the administration of the School Fund, apply the income of the School Fund 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 Diocese;
- (b) the provision of services for the carrying out of any inspection of any relevant school in the Diocese required by Part 1 of the Education Act 2005(1); and
- (c) to defray the cost of employing or engaging staff in connection with—
  - (i) the application of income of the School Fund for either of the purposes referred to in sub-paragraph (a) and (b) above;
  - (ii) the application of capital or income of the School Fund for any of the purposes referred to in paragraph 1 above.

3. "Relevant school" means a school of the type referred to in Article 5(3).

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(1) 2005 c. 18.