WELSH STATUTORY INSTRUMENTS

2012 No. 1703 (W.221)

EDUCATION, WALES

The Diocese of Swansea & Brecon (Educational Endowments) (Llandegley) (Wales) Order 2012

Made - - - -	*27 June 2012*
Coming into force - -	*1 August 2012*

The Endowment has been shown to the satisfaction of the Welsh Ministers to be or to have been used in connection with the provision of religious education in accordance with the tenets of the Church in Wales at a voluntary school within the meaning of section 32 of the Education Act 1996, the premises of which have ceased to be used for the purposes of such a school, and that the requirements of section 554(3) of the Education Act 1996(**1**) are fulfilled.

Application for an Order making new provision for the use of the Endowment has been made to the Welsh Ministers by the Swansea & Brecon Diocesan Trust, 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 consist of the site of what became the above school and school house comprised in the Founding deed, and buildings thereon (or their net proceeds of sale), 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(2) of the Education Act 1996 and now vested in them make the following Order(**2**):

Title, commencement and application

1.—(1) The title of this Order is the Diocese of Swansea & Brecon (Educational Endowments) (Llandegley) (Wales) Order 2012 and it comes into force on 1 August 2012.

(**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.

(**2**) 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 Function) 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) This Order applies in relation to Wales.

Interpretation

2. In this Order unless the context otherwise requires—

"the Diocese" ("*yr Esgobaeth*") means the Diocese of Swansea & Brecon and "the Diocesan Trust" 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 the Llandegley School (more recently known as Llandegley Church Hall) Foundation established by the Founding deed;

"the Foundation assets" ("*asedau'r Sefydliad*") means the assets currently representing the Endowment;

"foundation school" ("*ysgol sefydledig*") has the same meaning as in the School Standards and Framework Act 1998(**3**);

"the Founding deed" ("*y weithred Sefydlu*") means the deed dated 11 March 1869 and believed to have been made between the tenants of the rectorial glebe land and the tithe owners to the Rector, Vicar and Churchwardens of Llandegley; 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, and

(b) the Foundation assets.

(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.

Administration of Foundation

4.—(1) The Diocesan Trust is authorised to sell any of the freehold or leasehold property comprised in the Foundation assets and must, until sale, let and otherwise manage such property according to the general law applicable to the management of property held on trust for charitable purposes.

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

(3) In this article "uniform statutory trusts" ("*ymddiriedolaethau statudol unffurf*") 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 Foundation assets).

Consolidation

5. The Foundation assets may be consolidated with any existing endowment held for the purposes specified in the Schedule.

(**3**) 1998 c. 31.