

**2014 No. 2238 (W. 220)**

**EDUCATION, WALES**

The Diocese of St Davids  
(Educational Endowments)  
(Abernant Church in Wales School)  
(Wales) Order 2014

**EXPLANATORY NOTE**

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

This Order appoints St Davids Diocesan Trust as trustee of the endowment of the educational foundation known as the Abernant School Foundation. It authorises sale of the site of the school. It also makes new provision for the trustee to hold the assets representing the endowment on 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.

**2014 No. 2238 (W. 220)**

**EDUCATION, WALES**

The Diocese of St Davids  
(Educational Endowments)  
(Abernant Church in Wales School)  
(Wales) Order 2014

*Made* 20 August 2014

*Coming into force* 1 October 2014

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 within the meaning of section 32 of the Education Act 1996(1), the premises of which have ceased to be used for the purposes of a school.

Application for an Order making new provision for the use of the Endowment has been made to the Welsh Ministers by the St Davids 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 comprised in the Founding deed, and buildings thereon (or its net proceeds of

---

(1) 1996 c.56. This section has since been repealed by paragraph 69 of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998 (c.31).

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

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

**1.**—(1) The title of this Order is the Diocese of St Davids (Educational Endowments) (Abernant Church in Wales School) (Wales) Order 2014 and it comes into force on 1 October 2014.

(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 St Davids 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 the Abernant School 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(2);

“the Founding deed” (“*y weithred Sefydlu*”) means the deed made on 10 April 1872 between the Reverend John Morgan and the Right

- 
- (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.

Reverend Connop Lord Bishop of Saint Davids and the Archdeacon of Carmarthen; 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.

*Huw Lewis*  
Minister for Education and Skills, one of the Welsh Ministers

20 August 2014

## SCHEDULE

1. The Diocesan Trust may, after payment of any expenses incurred in connection with the administration of the Foundation, apply the capital and income of the Foundation 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 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 Foundation, apply the income of the Foundation 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 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<sup>(1)</sup>; and
- (c) to defray the cost of employing or engaging staff in connection with—
  - (i) the application of income of the Foundation assets for either of the purposes referred to in sub-paragraphs (a) and (b),
  - (ii) the application of capital or income of the Foundation assets for any of the purposes referred to in paragraph 1.

---

<sup>(1)</sup> 2005 c.18.

**3.** “Relevant school” (“*ysgol berthnasol*”) means a school of the type referred to in article 4(2).