

2018 No. 884 (W. 173)

EDUCATION, WALES

The Diocese of St Davids
(Educational Endowments) (Cellan
Church in Wales School) (Wales)
Order 2018

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 Cellan School Foundation. The Order 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.

The Order also extinguishes the rights to which any person has become entitled, under any trust which has arisen by virtue of section 1 of the Reverter of Sites Act 1987, in respect of the endowment.

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Order 2018

Made 18 July 2018

Coming into force 31 July 2018

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 as a school, 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 £59,295.60 being the net proceeds of sale 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.

By virtue of section 1 of the Reverter of Sites Act 1987 (“the 1987 Act”) a trust has or may have arisen in

relation to the site of the above school comprised in the Founding deed. The Welsh Ministers are satisfied that all reasonably practicable steps to trace any person who is, or who may become, entitled as a beneficiary under that trust have been taken and that there is no claim by any such person which comes within the provisions of section 5(2)(a) of the 1987 Act.

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 section 5 of the Reverter of Sites Act 1987⁽²⁾, 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) (Cellan Church in Wales School) (Wales) Order 2018.

(2) This Order comes into force on 31 July 2018.

(3) 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 Cellan 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⁽³⁾;

(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) 1987 c.15.

(3) 1998 c.31.

“the Founding deed” (“*y weithred Sefydli*”) means the deed made on 7 November 1863 between the Reverend Charles Lloyd (1) and the Archdeacon of Cardigan (2); and

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

Extinguishment of rights under a Reverter of Sites Act Trust

3. The rights of any person who is or may become entitled as a beneficiary under the trust which has or may have arisen by virtue of section 1 of the Reverter of Sites Act 1987 in respect of the land comprised in the Endowment are extinguished by this Order.

Trustee and vesting

4.—(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, or for any person entitled as a beneficiary under a trust that has arisen under section 1 of the Reverter of Sites Act 1987, (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

5.—(1) 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.

(2) In this article “uniform statutory trusts” (“*ymdiriedolaethau 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

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

Kirsty Williams
Cabinet Secretary for Education, one of the Welsh
Ministers
18 July 2018

SCHEDULE Article 5(2)

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(1); 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.

3. “Relevant school” (“*ysgol berthnasol*”) means a school of the type referred to in article 5(1).

(1) 2005 c.18.