



---

OFFERYNNAU STATUDOL  
CYMRU

---

---

WELSH STATUTORY  
INSTRUMENTS

---

**2013 Rhif 2155 (Cy. 210)**

**2013 No. 2155 (W. 210)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

Gorchymyn Esgobaeth Abertawe ac  
Aberhonddu (Gwaddolion  
Addysgol) (Llanfihangel Nant  
Brân) (Cymru) 2013

The Diocese of Swansea and  
Brecon (Educational Endowments)  
(Llanfihangel Nant Brân) (Wales)  
Order 2013

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Mae'r Gorchymyn hwn yn penodi Ymddiriedolaeth Esgobaethol Abertawe ac Aberhonddu yn ymddiriedolwr gwaddol y sefydliad addysgol a adwaenid fel Sefydliad Ysgol Llanfihangel Nant Brân (a adwaenid yn ddiweddarach fel Neuadd Bentref Llanfihangel Nant Brân) ac yn gwneud darpariaeth newydd ynglŷn â defnyddio'r gwaddol hwnnw. Mae'n awdurdodi gwerthu'r ysgol. Mae'n gwneud darpariaeth newydd, sef bod yr ymddiriedolwr i ddal yr asedau sy'n cynrychioli'r gwaddol ar yr ymddiriedolaethau statudol unffurf, fel a nodir yn yr Atodlen, er budd ysgolion gwirfoddol a sefydledig yr Eglwys yng Nghymru yn yr Esgobaeth.

Mae'r Gorchymyn hefyd yn diddymu'r hawliau a ddaeth i ran unrhyw berson, o dan unrhyw ymddiriedolaeth a gododd yn rhinwedd adran 1 o Ddeddf Dychwelyd Safleoedd 1987, mewn cysylltiad â'r gwaddol.

**EXPLANATORY NOTE**

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

This Order appoints Swansea and Brecon Diocesan Trust as trustee of the endowment of the educational foundation known as the Llanfihangel Nant Brân (more recently known as Llanfihangel Nant Brân Village Hall) School Foundation and makes new provision as to the use of that endowment. It authorises the sale of the school. It 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.

**2013 Rhif 2155 (Cy. 210)**

**2013 No. 2155 (W. 210)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Gorchymyn Esgobaeth Abertawe ac  
Aberhonddu (Gwaddolion  
Addysgol) (Llanfihangel Nant  
Brân) (Cymru) 2013**

**The Diocese of Swansea and  
Brecon (Education Endowments)  
(Llanfihangel Nant Brân) (Wales)  
Order 2013**

*Gwnaed* 22 Awst 2103

*Made* 22 August 2013

*Yn dod i rym* 1 Hydref 2013

*Coming into force* 1 October 2013

Dangoswyd er boddhad i Weinidogion Cymru bod y Gwaddol yn cael ei ddal neu wedi ei ddal mewn cysylltiad â darparu addysg grefyddol yn unol â daliadau'r Eglwys yng Nghymru mewn ysgol wirfoddol, o fewn ystyr "voluntary school" yn adran 32 o Ddeddf Addysg 1996(1), y peidiwyd â defnyddio ei mangre at ddibenion ysgol.

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.

Mae cais i Weinidogion Cymru am Orchymyn i wneud darpariaeth newydd ar gyfer defnyddio'r Gwaddol wedi ei wneud gan Ymddiriedolaeth Esgobaethol Abertawe ac Aberhonddu, sef corff y mae'n ymddangos i Weinidogion Cymru ei fod yn awdurdod priodol yr Eglwys yng Nghymru at y diben hwnnw.

Application for an Order making new provision for the use of the Endowment has been made to the Welsh Ministers by the Swansea and Brecon Diocesan Trust, which body appears to the Welsh Ministers to be the appropriate authority of the Church in Wales for that purpose.

Mae hysbysiad o'r Gorchymyn arfaethedig, ac o hawl personau sydd â buddiant i gyflwyno sylwadau, wedi ei roi yn unol â darpariaethau adran 555 o Ddeddf Addysg 1996.

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.

Cymerwyd i ystyriaeth sylwadau a gyflwynwyd gan bersonau â buddiant ynglŷn â'r Gorchymyn arfaethedig.

Representations made on the proposed Order by persons interested have been taken into account.

---

(1) 1996 p.56.

---

(1) 1996 c.56.

Mae asedau'r Sefydliad yn cynnwys y safle a ddaeth wedyn yn safle'r ysgol uchod a gynhwyswyd yn y weithred Sefydli, a'r adeiladau ar y safle hwnnw (neu'r enillion net o'u gwerthiant), yn ogystal ag unrhyw incwm a ddeilliodd o'r asedau hynny cyn i'r Gorchymyn hwn ddod i rym.

Yn rhinwedd adran 1 o Ddeddf Dychwelyd Safleoedd 1987(1) cododd ymddiriedolaeth, neu gall fod ymddiriedolaeth wedi codi, mewn perthynas â'r safle a ddaeth wedyn yn safle'r ysgol uchod a gynhwyswyd yn y weithred Sefydli. Mae Gweinidogion Cymru wedi eu bodloni bod pob cam rhesymol ymarferol wedi ei gymryd i ddod o hyd i unrhyw berson sydd, neu a all ddod yn rhywun sydd, â hawl fel buddiolwr o dan yr ymddiriedolaeth honno, ac nad oes unrhyw hawliad gan unrhyw berson o'r fath sy'n dod o fewn darpariaethau adran 5(2)(a) o Ddeddf Dychwelyd Safleoedd 1987.

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 554 a 556 o Ddeddf Addysg 1996(2) ac adran 5 o Ddeddf Dychwelyd Safleoedd 1987, ac a freiniwyd bellach ynddynt hwy, yn gwneud y Gorchymyn a ganlyn:

### Enwi, cychwyn a chymhwysu

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Esgobaeth Abertawe ac Aberhonddu (Gwaddolion Addysgol) (Llanfihangel Nant Brân) (Cymru) 2013 a daw i rym ar 1 Hydref 2013.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

### Dehongli

2. Yn y Gorchymyn hwn, oni fydd y cyd-destun yn mynnu fel arall—

ystyr “asedau'r Sefydliad” (“*the Foundation assets*”) yw'r asedau sy'n cynrychioli'r Gwaddol ar hyn o bryd;

ystyr “yr Atodlen” (“*the Schedule*”) yw'r atodlen i'r Gorchymyn hwn;

ystyr “yr Esgobaeth” (“*the Diocese*”) yw Esgobaeth Abertawe ac Aberhonddu, ac mae “yr Ymddiriedolaeth Esgobaethol” (“*the Diocesan Trust*”) i'w dehongli'n unol â hynny;

The Foundation assets consist of the site of what became the above school comprised in the Founding deed, and buildings thereon (or net proceeds of sale), 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(1) a trust has or may have arisen in relation to the site of what became 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 Reverter of Sites Act 1987.

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 554 and 556 of the Education Act 1996(2) and section 5 of the Reverter of Sites Act 1987, and now vested in them make the following Order:

### Title, commencement and application

1.—(1) The title of this Order is the Diocese of Swansea and Brecon (Educational Endowments) (Llanfihangel Nant Brân) (Wales) Order 2013 and it comes into force on 1 October 2013.

(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 and Brecon, and “the Diocesan Trust” (“*yr Ymddiriedolaeth Esgobaethol*”) is to be construed accordingly;

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

(1) 1987 p.15.

(2) 1996 p. 56. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 554 a 556 o Ddeddf Addysg 1996 ac adran 5 o Ddeddf Dychwelyd Safleoedd 1987 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac wedyn i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(1) 1987 c.15.

(2) 1996 c. 56. The functions of the Secretary of State under sections 554 and 556 of the Education Act 1996 and section 5 of the Reverter of Sites Act 1987 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).

ystyr “y Gwaddol” (“*the Endowment*”) yw’r gwaddol a gynhwyswyd yn y weithred Sefydlu; ystyr “y Sefydliad” (“*the Foundation*”) yw’r sefydliad addysgol a adwaenid fel Sefydliad Ysgol Llanfihangel Nant Brân (a adwaenid yn ddiweddarach fel Neuadd Bentref Llanfihangel Nant Brân) a sefydlwyd gan y weithred Sefydlu;

ystyr “y weithred Sefydlu” (“*the Founding deed*”) yw’r weithred a wnaed ar 12 Awst 1862 rhwng (1) John Iestyn Williams Fredericks, Cecil Parsons a Thomas de Winton (2) Yr Hybarch Richard William Payne Davies a’r Parchedig William Winston;

mae i “ysgol sefydledig” yr un ystyr a roddir i “foundation school” yn Neddf Safonau a Fframwaith Ysgolion 1998(1); ac

mae i “ysgol wirfoddol” yr un ystyr a roddir i “voluntary school” yn Neddf Safonau a Fframwaith Ysgolion 1998.

“the Foundation” (“*y Sefydliad*”) means the educational foundation known as the Llanfihangel Nant Brân School (more recently known as Llanfihangel Nant Brân Village 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(1);

“the Founding deed” (“*y weithred Sefydlu*”) means the deed made on 12 August 1862 between (1) John Iestyn Williams Fredericks, Cecil Parsons and Thomas de Winton (2) The Venerable Richard William Payne Davies and the Reverend William Winston;

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

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

### **Diddymu hawliau o dan Ymddiriedolaeth Deddf Dychwelyd Safleoedd**

3. Mae hawliau unrhyw berson sydd, neu a all ddod yn rhywun sydd, â hawl fel buddiolwr o dan yr ymddiriedolaeth a gododd neu a all fod wedi codi yn rhinwedd adran 1 o Ddeddf Dychwelyd Safleoedd 1987 mewn cysylltiad â’r tir a gynhwysir yn y Gwaddol, wedi eu diddymu drwy’r Gorchymyn hwn.

### **Ymddiriedolwr a breinio**

4.—(1) Mae’r Gorchymyn hwn yn penodi’r Ymddiriedolaeth Esgobaethol i fod yn Ymddiriedolwr—

- (a) y Sefydliad; a
- (b) asedau’r Sefydliad.

(2) Mae’r holl gronfeydd sydd, yn union cyn dyddiad y Gorchymyn hwn, yn eiddo i’r Sefydliad, neu a ddelir mewn ymddiriedolaeth ar gyfer y Sefydliad neu ar gyfer unrhyw berson sydd â hawl fel buddiolwr o dan ymddiriedolaeth a gododd o dan adran 1 o Ddeddf Dychwelyd Safleoedd 1987 (ac eithrio unrhyw gronfeydd a ddelir eisoes gan yr Ymddiriedolaeth Esgobaethol) i’w trosglwyddo i’r Ymddiriedolaeth Esgobaethol, ac mae pob gweithred sy’n angenrheidiol at y diben hwnnw i gael ei chyflawni gan unrhyw berson sy’n dal y cronfeydd hynny.

### **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.

---

(1) 1998 p.31.

---

(1) 1998 c.31.

## Gweinyddu'r Sefydliad

5.—(1) Awdurdodir yr Ymddiriedolaeth Esgobaethol i werthu unrhyw eiddo rhydd-ddaliadol neu lesddaliadol sy'n gynwysedig yn asedau'r Sefydliad, a rhaid iddi, hyd nes gwerthir eiddo o'r fath, ei osod a'i reoli fel arall yn unol â'r gyfraith gyffredinol sy'n gymwys i reolaeth eiddo a ddelir mewn ymddiriedolaeth at ddibenion elusennol.

(2) Rhaid i'r Ymddiriedolaeth Esgobaethol ddal asedau'r Sefydliad ar yr ymddiriedolaethau statudol unffurf, er budd ysgolion gwirfoddol neu ysgolion sefydledig yr Eglwys yng Nghymru o fewn yr Esgobaeth.

(3) Yn yr erthygl hon ystyr "ymddiriedolaethau statudol unffurf" ("*uniform statutory trusts*") yw'r ymddiriedolaethau a nodir yn yr Atodlen (sef yr ymddiriedolaethau statudol unffurf a nodir yn Atodlen 36 i Ddeddf Addysg 1996 fel y maent yn gymwys mewn perthynas ag asedau'r Sefydliad).

## Cyfuno

6. Caniateir cyfuno asedau'r Sefydliad ag unrhyw waddol presennol a ddelir at y dibenion a bennir yn yr Atodlen.

## Administration of Foundation

5.—(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

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

*Huw Lewis*

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

22 Awst 2013

Minister for Education and Skills, one of the Welsh Ministers

22 August 2013

## YR ATODLEN erthygl 5(3)

1. Caiff yr Ymddiriedolaeth Esgobaethol, ar ôl talu unrhyw dreuliau a achosir iddi mewn cysylltiad â gweinyddu'r Sefydliad, ddefnyddio cyfalaf ac incwm asedau'r Sefydliad at unrhyw un neu ragor o'r dibenion a ganlyn—

- (a) ar gyfer prynu, neu tuag at brynu, safle ar gyfer, neu adeiladu, gwella neu ehangu mangre unrhyw ysgol berthnasol yn yr Esgobaeth;
- (b) ar gyfer cynnal unrhyw ysgol berthnasol yn yr Esgobaeth;
- (c) ar gyfer prynu, neu tuag at brynu, safle ar gyfer, neu adeiladu, gwella neu ehangu mangre unrhyw dŷ athro neu athrawes ar gyfer ei ddefnyddio mewn cysylltiad ag unrhyw ysgol berthnasol yn yr Esgobaeth; ac
- (d) ar gyfer cynnal unrhyw dŷ athro neu athrawes ar gyfer ei ddefnyddio mewn cysylltiad ag ysgol berthnasol yn yr Esgobaeth.

2. Caiff yr Ymddiriedolaeth Esgobaethol hefyd, ar ôl talu unrhyw dreuliau a achosir iddi mewn cysylltiad â gweinyddu'r Sefydliad, ddefnyddio incwm asedau'r Sefydliad at unrhyw un neu ragor o'r dibenion a ganlyn—

- (a) ar gyfer darparu, neu tuag at ddarparu, cyngor, arweiniad ac adnoddau (gan gynnwys deunyddiau) mewn cysylltiad ag unrhyw fater sy'n ymwneud â rheolaeth unrhyw ysgol berthnasol yn yr Esgobaeth, neu'r addysg a ddarperir mewn unrhyw ysgol o'r fath;
- (b) darparu gwasanaethau ar gyfer cynnal unrhyw arolygiad o unrhyw ysgol berthnasol yn yr Esgobaeth sy'n ofynnol o dan Ran 1 o Ddeddf Addysg 2005(1); ac
- (c) talu'r gost o gyflogi staff neu eu cymryd ymlaen mewn cysylltiad ag—
  - (i) defnyddio incwm asedau'r Sefydliad ar gyfer y naill neu'r llall o'r dibenion y cyfeirir atynt yn is-baragraffau (a) a (b) uchod,
  - (ii) defnyddio cyfalaf ac incwm asedau'r Sefydliad ar gyfer unrhyw un neu ragor o'r dibenion y cyfeirir atynt ym mharagraff 1 uchod.

## SCHEDULE article 5(3)

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 that 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) above,
  - (ii) the application of capital or income of the Foundation assets for any of the purposes referred to in paragraph 1 above.

---

(1) 2005 p.18.

---

(1) 2005 c.18.

**3.** Ystyr “ysgol berthnasol” (“*relevant school*”) yw ysgol o’r math y cyfeirir ato yn erthygl 5(2).

---

©<sup>©</sup> Hawlfraint y Goron 2013

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

**3.** “Relevant school” (“*ysgol berthnasol*”) means a school of the type referred to in article 5(2).

---

© Crown copyright 2013

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

---

OFFERYNNAU STATUDOL  
CYMRU

---

---

WELSH STATUTORY  
INSTRUMENTS

---

**2013 Rhif 2155 (Cy. 210)**

**2013 No. 2155 (W. 210)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

Gorchymyn Esgobaeth Abertawe ac  
Aberhonddu (Gwaddolion  
Addysgol) (Llanfihangel Nant  
Brân) (Cymru) 2013

The Diocese of Swansea and  
Brecon (Education Endowments)  
(Llanfihangel Nant Brân) (Wales)  
Order 2013

£5.75

W1705/08/13

ON

ISBN 978-0-348-10806-4



9 780348 108064