



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 1836 (Cy. 190)

2014 No. 1836 (W. 190)

ADDYSG, CYMRU

EDUCATION, WALES

Gorchymyn Esgobaeth Bangor
(Gwaddolion Addysgol) (Ysgol yr
Eglwys yng Nghymru
Llangristiolus) (Cymru) 2014

The Diocese of Bangor
(Educational Endowments)
(Llangristiolus Church in Wales
School) (Wales) Order 2014

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn penodi Ymddiriedolaeth Esgobaethol Bangor yn ymddiriedolwr ar waddol y sefydliad addysgol o'r enw Sefydliad Ysgol Llangristiolus (a enwyd gynt yn Ysgol Henblas, Hen Ysgol Henblas, yr Hen Ysgol ac Ysgol Gynradd Llangristiolus) ac mae'n gwneud darpariaeth newydd ynghylch defnyddio'r gwaddol hwnnw. Mae'n creu dwy ymddiriedolaeth ar wahân, a elwir yn eu tro yn y Gronfa Ysgolion a'r Gronfa Addysg Grefyddol, ac mae'n rhannu asedau'r Sefydliad rhyngddynt.

This Order appoints Bangor Diocesan Trust as trustee of the endowment of the educational foundation known as the Llangristiolus School Foundation (formerly known as Henblas School, Henblas Old School, Hen Ysgol and Llangristiolus Primary School) and makes new provision as to the use of that endowment. It creates two separate trusts, called the School Fund and the Religious Education Fund, and divides the Foundation's assets between them.

Mae'r Gronfa Ysgolion wedi ei sefydlu o dan yr ymddiriedolaethau statudol unffurf fel y'u nodir yn yr Atodlen er budd ysgolion gwirfoddol ac ysgolion sefydledig yr Eglwys yng Nghymru yn yr Esgobaeth.

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.

Mae'r Gronfa Addysg Grefyddol wedi ei sefydlu at ddiben darparu addysg grefyddol yn unol ag athrawiaethau'r Eglwys yng Nghymru o fewn y plwyf yr oedd yr ysgol wedi'i lleoli ynddo.

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.

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.

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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EDUCATION, WALES

**Gorchymyn Esgobaeth Bangor
(Gwaddolion Addysgol) (Ysgol yr
Eglwys yng Nghymru
Llangristiolus) (Cymru) 2014**

**The Diocese of Bangor
(Educational Endowments)
(Llangristiolus Church in Wales
School) (Wales) Order 2014**

Gwnaed 9 Gorffennaf 2014

Made 9 July 2014

Yn dod i rym 31 Gorffennaf 2014

Coming into force 31 July 2014

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 Bangor, 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 Bangor 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.

Ni chyflwynwyd unrhyw sylwadau ynglŷn â'r Gorchymyn arfaethedig.

No representations have been made on the proposed Order.

(1) 1996 p.56. Mae'r adran hon wedi ei diddymu ers hynny gan baragraff 69 o Atodlen 30 ac Atodlen 31 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31).

(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).

Mae asedau'r Sefydliad yn cynnwys £45,000.00, sef yr enillion net o werthu mangre'r hen ysgol a thŷ'r ysgol a gynhwyswyd yn y weithred Sefydlu a hefyd 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 ("Deddf 1987") cododd ymddiriedolaeth, neu gall fod ymddiriedolaeth wedi codi, mewn perthynas â safle'r ysgol a thŷ'r ysgol uchod a gynhwyswyd yn y weithred Sefydlu. 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 1987.

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 554 a 556 o Ddeddf Addysg 1996 ac adran 5 o Ddeddf Dychwelyd Safleoedd 1987(1), ac a freiniwyd bellach ynddynt hwy, yn gwneud y Gorchymyn a ganlyn(2):

Enwi, cychwyn a chymhwysu

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Esgobaeth Bangor (Gwaddolion Addysgol) (Ysgol yr Eglwys yng Nghymru Llangristiolus) (Cymru) 2014 a daw i rym ar 31 Gorffennaf 2014.

(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;

The Foundation assets consist of £45,000.00, being the net proceeds of sale of the premises of the former school and school house 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 and school house 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 and section 5 of the Reverter of Sites Act 1987(1), 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 Bangor (Educational Endowments) (Llangristiolus Church in Wales School) (Wales) Order 2014 and it comes into force on 31 July 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 Bangor and "the Diocesan Trust" ("*yr Ymddiriedolaeth Esgobaethol*") is to be construed accordingly;

(1) 1987 p.15.

(2) 1996 p.56. Amnewidiwyd adran 554(1) gan baragraff 168(2) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.15). Amnewidiwyd adran 554(3)(a) gan baragraff 168(3) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998. Diwygiwyd adran 554(3)(b) gan baragraff 168(3)(b) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998. Diwygiwyd adran 556(2)(a) gan baragraff 169(a) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998. Diwygiwyd adran 556(2)(b) gan baragraff 169(b) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 554 a 556 o Ddeddf Addysg 1996 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(1) 1987 c.15.

(2) 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).

ystyr “y Gronfa Ysgolion” (“*the School Fund*”) yw’r gronfa ysgolion sydd wedi ei sefydlu gan erthygl 5(a); a

ystyr “yr Esgobaeth” (“*the Diocese*”) yw Esgobaeth Bangor, a rhaid dehongli “yr Ymddiriedolaeth Esgobaethol” (“*the Diocesan Trust*”) yn unol â hynny;

ystyr “y Gronfa Addysg Grefyddol” (“*the Religious Education Fund*”) yw’r gronfa addysg grefyddol sydd wedi ei sefydlu gan erthygl 5(b);

ystyr “y Gwaddol” (“*the Endowment*”) yw’r gwaddol a gynhwyswyd yn y weithred Sefydlu;

ystyr “y Sefydliad” (“*the Foundation*”) yw’r sefydliad addysgol o’r enw Sefydliad Ysgol Llangristiolus a sefydlwyd drwy’r weithred Sefydlu;

ystyr “y weithred Sefydlu” (“*the Founding deed*”) yw’r weithred a wnaed ar 22 Mehefin 1844 rhwng Charles Henry Evans a’r Hybarch Dad yn Nuw Christopher drwy ganiatâd dwyfol Arglwydd Esgob Bangor;

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

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

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

“the Foundation” (“*y Sefydliad*”) means the educational foundation known as the Llangristiolus 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(1);

“the Founding deed” (“*y weithred Sefydlu*”) means the deed made on 22 June 1844 between Charles Henry Evans and the Right Reverend father in God Christopher by divine permission Lord Bishop of Bangor;

“the Religious Education Fund” (“*y Gronfa Addysg Grefyddol*”) means the religious education fund established by article 5(b);

“the School Fund” (“*y Gronfa Ysgolion*”) means the school fund established by article 5(a); 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 sydd wedi codi 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,
- (b) asedau’r Sefydliad,
- (c) y Gronfa Ysgolion, a
- (d) y Gronfa Addysg Grefyddol.

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

(1) 1998 p. 31.

(1) 1998 c.31.

(2) Mae'r holl gronfeydd sydd, yn union cyn dyddiad y Gorchymyn hwn, yn eiddo i'r Sefydliad, neu a ddeler mewn ymddiriedolaeth ar gyfer y Sefydliad (ac eithrio unrhyw gronfeydd a ddeler 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.

Rhannu Asedau

5. Mae asedau'r Sefydliad i gael eu rhannu'n ddwy gronfa ymddiriedolaeth ar wahân, sef—

- (a) y Gronfa Ysgolion yn cynnwys 11 rhan o 14 o asedau'r Sefydliad; a
- (b) y Gronfa Addysg Grefyddol yn cynnwys 3 rhan o 14 o asedau'r Sefydliad.

Gweinyddu'r Sefydliad

6.—(1) Ar ôl talu unrhyw dreuliau gweinyddu, rhaid i'r Ymddiriedolaeth Esgobaethol roi cyfrif am y gyfran honno o gyfalaf ac incwm asedau'r Sefydliad sy'n cynrychioli'r Gronfa Addysg Grefyddol i Ficer, neu Reithor, a Wardeiniaid Eglwys y plwyf y sefydlwyd y Sefydliad i ddarparu addysg grefyddol ar ei gyfer.

(2) Rhaid i bob Ficer, neu Reithor, a Wardeiniaid Eglwys y gwneir taliad iddynt yn unol â darpariaethau'r paragraff blaenorol gael eu cyfansoddi fel ymddiriedolaethwyr y Gronfa Addysg Grefyddol a chânt gadw cyfalaf y Gronfa a gwario'r incwm sy'n cronni o hynny, neu wario'r cyfalaf o hynny, tuag at ddibenion addysgol sy'n ymwneud â'r plwyf dan sylw mewn perthynas â'r ddarpariaeth o addysg grefyddol yn unol â daliadau'r Eglwys yng Nghymru drwy Ysgol Sul neu ddull arall.

(3) Mae'r Ymddiriedolaeth Esgobaethol i ddal y Gronfa Ysgolion ar yr ymddiriedolaethau statudol unffurf er budd ysgolion gwirfoddol neu ysgolion sefydledig yr Eglwys yng Nghymru o fewn yr Esgobaeth.

(4) 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).

(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

5. 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

6.—(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" ("*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 School Fund).

Cyfuno

7. Caniateir i'r Gronfa Ysgolion gael ei chyfuno ag unrhyw waddol presennol a ddelir at y dibenion a bennir yn yr Atodlen.

Consolidation

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

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion
Cymru

Minister for Education and Skills, one of the Welsh
Ministers

9 Gorffennaf 2014

9 July 2014

YR ATODLEN Erthygl 6(4)

1. Caiff yr Ymddiriedolaeth Esgobaethol, ar ôl talu unrhyw dreuliau yr eir iddynt mewn cysylltiad â gweinyddu'r Gronfa Ysgolion, ddefnyddio cyfalaf ac incwm y Gronfa Ysgolion honno at unrhyw un neu ragor o'r dibenion a ganlyn—

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

2. Caiff yr Ymddiriedolaeth Esgobaethol hefyd, ar ôl talu unrhyw dreuliau yr eir iddynt mewn cysylltiad â gweinyddu'r Gronfa Ysgol, ddefnyddio incwm y Gronfa honno 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 â—
 - (i) defnyddio incwm y Gronfa Ysgolion at y naill neu'r llall o'r dibenion y cyfeirir atynt yn is-baragraffau (a) a (b),
 - (ii) defnyddio cyfalaf neu incwm y Gronfa Ysgolion at unrhyw un neu ragor o'r dibenion y cyfeirir atynt ym mharagraff 1.

3. Ystyr “ysgol berthnasol” (“*relevant school*”) yw ysgol o'r math y cyfeirir ato yn erthygl 6(3).

(1) 2005 p.18.

SCHEDULE Article 6(4)

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 that 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 that 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-paragraphs (a) and (b),
 - (ii) the application of capital or income of the School Fund 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 6(3).

(1) 2005 c.18.

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