Education (Scotland) Act 1945

1945 CHAPTER 37

PART V

GENERAL.

Educational Endowments.

77 Sale of land belonging to educational endowments.

(1) Where it appears to the Secretary of State to be desirable that a scheme under the Educational Endowments (Scotland) Acts, 1928 to 1935, in relation to any educational endowment should make provision for the sale of any land forming the endowment or part thereof and for the application of the proceeds of sale in accordance with the provisions of the scheme, but that such provision cannot be made by reason of the third proviso to section two of the School Sites Act, 1841, (which provides that if any land granted in accordance with the provisions of that section ceases to be used for the purposes mentioned in that Act, the land shall revert to the grantor), or by reason of any condition of a similar nature contained in the governing instrument of the endowment, he may by order direct that the said proviso or condition shall not have effect in relation to the land :

Provided that no such direction shall be given in relation to any land unless the Secretary of State is satisfied either—

(a) that the person to whom the land would revert in accordance with the said proviso or condition cannot after due inquiry be found ; or

(b) that, if that person can be found, he has consented to relinquish his rights in relation to the land under the said proviso or condition, and that, if he has consented so to do in consideration of the payment of a sum of money to him, adequate provision can be made for the payment to him of that sum out of the proceeds of the sale of the land.

(2) A scheme under the Educational Endowments (Scotland) Acts, 1928 to 1935, relating to any educational endowment which includes land in respect of which an order has been made under the last foregoing subsection may make provision for the payment

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out of the proceeds of the 'sale of the land of any sum which is payable to any person in consideration of the relinquishment of his rights in relation to the land under the said proviso or condition.

(3) In this section the expression " educational endowment " has the meaning assigned to it by section forty-two- of the Educational Endowments (Scotland) Act, 1928, provided that any land conveyed under section two of the School Sites Act, 1841, or held under a governing instrument containing a condition of the nature referred to in subsection (1) of this section shall be deemed to be an educational endowment or part thereof notwithstanding anything in the third proviso to that section or in the said condition.