



# School Sites Act 1849

## 1849 CHAPTER 49

An Act to extend and explain the Provisions of the Acts for the granting of Sites for Schools. [28th July 1849]

WHEREAS by an Act passed in the Fifth Year of the Reign of Her Majesty Provisions are made for facilitating the Erection of Schools and Buildings for the Education of poor Persons, which said Act hath been since explained and extended by an Act of the Eighth Year of the Reign of Her Majesty; and it is expedient that further Facilities should be afforded for the Conveyance of Lands for Sites for Schools in Cases where such Lands are comprised with other Lands in Leases, and that some Amendments should also be made in the said Acts :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

### **Where Part only of Lands under Lease conveyed, the Rent, and Fine upon Renewal of Lease, may be apportioned.**

That if Part only of any Lands comprised in a Lease for a Term of Years unexpired shall be conveyed or agreed to be conveyed for the Purposes of the said firstly herein-before mentioned Act, the Rent payable in respect of the Lands comprised in such Lease, and any Fine certain or fixed Sum of Money to be paid upon any Renewals thereof, or either of such Payments, may be apportioned between the Part of the said Lands so conveyed or agreed to be conveyed and the Residue thereof; and such Apportionment may be settled by Agreement between the Parties following, that is to say, the Lessor or other the Owner subject to such Lease of the Lands comprised therein, the Lessee or other the Party entitled thereto by virtue of such Lease or any Assignment thereof for the Residue of the Term thereby created, and the Party to whom such Conveyance as aforesaid for the Purposes of the said firstly herein-before mentioned Act is made or agreed to be made; and when such Apportionment shall so be made it shall be binding on all Under-lessees and other Persons and Corporations whatsoever, whether Parties to the said Agreement or not.

**II Liabilities of Tenants, and Remedies of Landlords, as to the Lands not conveyed.**

And be it enacted, That in case of any such Apportionment as aforesaid, and after the Lands so conveyed or agreed to be conveyed as aforesaid shall have been conveyed, the Lessee, and all Parties entitled under him to the Lands comprised in the Lease not included in such Conveyance, shall, as to all. future accruing Rent, and of all future Fines certain or fixed Sums of Money, to be paid upon Renewals, be liable only to so much of the Rent and of such Fines or Sums of Money as shall be apportioned in respect of such last-mentioned Lands; and the Party entitled to the Rent reserved by the Lease shall have all the same Rights and Remedies for the Recovery of such Portion of the Rent as last aforesaid as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, and of Fines or Sums of Money to be paid upon Renewals, in case of any Apportionment of the same respectively, shall remain in force with regard to that Part of the Land comprised in the Lease which shall not be so conveyed as aforesaid, in the same Manner as they would have done in case such Part only of the Land had been included in the Lease.

**III The same Person may grant several Sites for Schools in the same Parish if the whole Extent do not exceed certain Limits.**

And whereas by the said first-recited Act Power is given to any Person or Corporation to grant any Number of Sites for distinct and separate Schools; but after providing that the Site of each School and Residence do not exceed One Acre, it is also provided that not more than One such Site shall be in the same Parish; and Doubts have been entertained as to the Meaning of this last-recited Proviso; Be it therefore declared and enacted, That nothing in the said Act contained shall prevent any Person or Corporation from granting any Number of Sites for separate and distinct Schools in the same Parish, provided the aggregate Quantity of Land granted by such Person in the same Parish shall not exceed the Extent of One Acre.

**IV Grants of, Land for Sites of Schools by Owners or Tenants in Tail to be valid, although Grantor die within Twelve Months.**

And whereas it would be expedient that the absolute Owners of Land and Tenants in Tail in possession should have the Power of granting Land to a limited Extent for the Purpose of erecting Sites for Schools to be applied and used in and for the Education and Instruction of Persons intended to be Masters or Mistresses of Elementary Schools for poor Persons, without any Risk of such Grant being .defeated by the Death of the Grantor: Be it therefore enacted, That it shall be lawful for all Persons, being such absolute Owners or Tenants in Tail in possession as aforesaid, to grant, convey, or enfranchise, by way of Gift, Sale, or Exchange, any Quantity of Land, not exceeding in the whole Five Acres, to any Corporation Sole or Aggregate, or to several Corporations Sole, or to any Trustees whatsoever, to be held, applied, and used by such Corporation or Corporations or Trustees in and for the Erection of School Buildings and Premises thereon for the Purpose of educating and instructing, and of boarding during the Time of such Education and Instruction, Persons intended to be Masters or Mistresses of Elementary Schools for poor Persons, and for the Residence of the Principal or Master or Mistress and other Officers of such Institution ; and such Gift, Sale, or Exchange shall be and continue valid, if otherwise lawful, although the Donor or Grantor shall die within Twelve Calendar Months from the Execution thereof: Provided always, that it shall be lawful for the Trustees of such School Buildings and Premises to allow the same to be applied and used, concurrently with the Education and Instruction of such

Masters or Mistresses, for the Purpose of boarding other Persons, and of educating and instructing the said Persons in religious and useful Knowledge.

**V The Owners of Land empowered to vest any Quantity of Land for Purposes of these Acts in Corporations.**

And whereas the absolute Owners of Land may grant, subject to the Regulations and Provisions prescribed by the Statutes in such Behalf, any Quantity of such Land to Trustees, to be held upon charitable Purposes; and it would be beneficial that they should be authorized to exercise such Power in respect of Lands granted for the Sites or for the Endowment of the last-mentioned Schools, or of Schools for poor Persons, by vesting the same so as to secure it permanently for the Purpose of the Trust, without the Necessity of subsequent Renewals of the Deeds of Trust: Be it therefore enacted, That where any such Person shall be lawfully entitled to convey an Estate in Land to Trustees, to hold the same upon any charitable Use, and shall be desirous of conveying the same for the Purposes of the Acts herein-before referred to, or this Act, or for the Endowment of such Schools, such Person may grant and convey the same to any Corporation or Corporations as aforesaid, to be held in trust for such Purposes, whatever may be the Quantity of Land or Extent of the Estate so to be granted and conveyed.

**VI Mode of conveying the Lord's Interest and that of the Copyholder in Copyhold Land.**

And be it enacted, That where Land of Copyhold or Customary Tenure shall have been or shall be granted for the Purposes of the said Acts, the Conveyance of the same by any Deed wherein the Copyholder shall grant and convey his Interest, and the Lord shall also grant his Interest, shall be deemed to be valid and sufficient to vest the Freehold Interest in the Grantee or Grantees thereof without any Surrender or Admittance or Enrolment in the Lord's Court.

**VII Interpretation Clause.**

And be it enacted, That, except in Cases where there shall be something in the Subject or Context repugnant to such Construction, Words occurring in this Act and the above-recited Acts importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender only shall include Females; and the Word " Land" shall include Messuages, Houses, Lands, Tenements, Hereditaments, and Heritages of every Tenure ; and the Word " Lease " shall include an Under-lease, Agreement for a Lease, and Missive of Lease; and the Word "Owner" shall include any Person or Corporation enabled under the Provisions of the said firstly herein-before mentioned Act to convey Lands for the Purposes thereof.

**VIII Act may be amended, &c.**

And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.