



# Education (Miscellaneous Provisions) Act 1948

## 1948 CHAPTER 40

### **2 Extension of the Endowed Schools Acts to education generally in lieu of education of boys and girls, and to modern endowments**

- (1) Subject to the provisions of subsections (5) and (6) of this section, the Endowed Schools Acts, 1869 to 1908 (which confer powers as respects educational endowments by schemes made thereunder to alter or add to existing trusts and to make new trusts and to consolidate or divide endowments) shall have effect subject to the amendments thereof specified in this section, and to the consequential and minor amendments thereof specified in the First Schedule to this Act.
- (2) The endowments to which the said Acts apply as educational endowments shall comprise endowments for any educational purposes in lieu of being confined to endowments for the purposes of education at school of boys and girls or of exhibitions.
- (3) Any limitation on the power to make schemes under the said Acts imposed thereby, whether expressly or by implication, by reference to the time of the giving of an endowment or part of an endowment, including the requirement imposed by paragraph (1) of section fourteen of the Endowed Schools Act, 1869, of assent of the governing body of an endowment to a scheme where the original gift was less than fifty years before the commencement of that Act, shall cease to have effect, and the said power shall extend to endowments and parts of endowments whenever given, whether before or after the commencement of that Act or of this Act, so however that such assent as is mentioned in the said paragraph (1) shall be required for the making of a scheme as to an endowment or part of an endowment given as mentioned in that paragraph less than fifty years before the time of the making of the scheme.
- (4) In accordance with the last preceding subsection, references to the time of the making of a scheme shall be substituted for the references to the commencement, or to the passing, of the said Act of 1869, or to the first day of January, 1869, in that Act and in sections seven and eight of the Endowed Schools Act, 1873 :

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*Status: This is the original version (as it was originally enacted).*

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Provided that this subsection shall not have effect as to the reference to the passing of the said Act of 1869 in section fifty-five of that Act (which provides against the acquisition after the passing of that Act of vested interests in endowments).

(5) No provision shall be made by a scheme as to, or as to the governing body of, an endowment which constitutes or forms part of the endowment of—

- (a) a university, a university college or a college of a university, or
- (b) a school not maintained by a local education authority,

other than such provision, if any, as could have been made if the amendments of the said Acts of 1869 to 1908 specified in this section and in the First Schedule to this Act had not been enacted.

For the purposes of this subsection—

- (i) the expression " college of a university " includes, in the case of a university organised on a collegiate basis, a constituent college or other society recognised by the university, and, in the case of London University, a college incorporated in the university or a school of the university ;
- (ii) the reference to the endowment of a university, college or school shall be construed as including a reference to any endowment which, or the income whereof, is applicable solely for the purposes of education of persons at the university, college or school or for purposes ancillary thereto.

(6) No provision shall be made by a scheme as to, or as to the governing body of, an endowment which, or the income whereof, is applicable solely or mainly for the purposes of education for imparting professional skill or learning, unless the governing body of the endowment assent to the scheme.

(7) The Welsh Intermediate Education Act, 1889, shall cease to have effect.