



Education (Miscellaneous Provisions) Act 1948

1948 CHAPTER 40

10 Provisions as to power of local education authorities to acquire land by agreement

- (1) Subsection (1) of section ninety of the principal Act (under which a local education authority may be authorised to purchase compulsorily land required for the purposes of any school or college which is, or is to be, maintained by them, or otherwise for the purposes of their functions under that Act) shall be amended by inserting therein, after the words " for the purposes of any school or college which is, or is to be, maintained by them " the words " or which they have power to assist."
- (2) For the removal of doubt it is hereby declared that the rendering available of land for the purposes of a school, college or other institution which is, or is to be, maintained by a local education authority, or which they have power to assist, is a function of the authority within the meaning of section one hundred and fifty-seven of the Local Government Act, 1933, or, as the case may be, of section ninety-seven of the London Government Act, 1939 (which relate to the acquisition by a local authority by agreement of land for the purpose of any of their functions), notwithstanding that the land will not be held by the authority.
- (3) A local education authority shall not acquire by agreement any land required for the purposes of a voluntary school unless they are satisfied that the arrangements made as to the vesting of the land to be acquired, and as to the appropriation thereof for those purposes, are such as to secure that the expenditure ultimately borne by them will not include any expenditure which, if the land had been acquired by the managers or governors of the school, would have fallen to be borne by the managers or governors.