



Schools Sites Act 1841

1841 CHAPTER 38 4 and 5 Vict

An Act to afford further Facilities for the Conveyance and Endowment of Sites for Schools. [21st June 1841]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act repealed (S.) by [Education \(Scotland\) Act 1945 \(c. 37\)](#), **Sch. 5**; extended and explained by [School Sites Act 1844 \(c. 37\)](#), **ss. 4, 5** and [School Sites Act 1849 \(c. 49\)](#); extended by [School Sites Act 1852 \(c. 49\)](#) and [Consecration of Churchyards Act 1867 \(c. 133\)](#), **s. 4**; restricted by [Commons Act 1899 \(c. 30\)](#), **s. 22**, **Sch. 1** and repealed (S.) by [Education \(Scotland\) Act 1945 \(c. 37\)](#), **Sch. 5**
- C3 Preamble omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)
- C4 Act amended (*retrospectively*) by [Reverter of Sites Act 1987 \(c. 15, SIF 98:1\)](#), **ss. 1(1), 7(1)**
- C5 Certain functions under the Act transferred (1.7.1999) by [S.I. 1999/672](#), **art. 2**, **Sch. 1**

1^{F1}

Textual Amendments

- F1 **Ss. 1, 4** repealed by [Statute Law Revision Act 1874 \(No. 2\) \(c. 96\)](#)

2 Landlords empowered to convey land to be used as sites for schools, &c.

Any person, being seised in fee simple, fee tail, or for life, of and in any manor or lands of freehold, copyhold, or customary tenure, and having the beneficial interest^{F2} . . . , may grant, convey, or enfranchise by way of gift, sale, or exchange, in fee simple or for a term of years, any quantity not exceeding one acre of such land, as a site for a school for the education of poor persons, or for the residence of the schoolmaster or schoolmistress, or otherwise for the purposes of the education of such poor persons in religious and useful knowledge; provided that no such grant made by any person seised only for life of and in any such manor or lands shall be valid, unless the person next entitled to the same in remainder, in fee simple or fee tail, (if legally competent,)

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shall be a party to and join in such grant: [F3Provided also, that where any portion of waste or commonable land shall be gratuitously conveyed by any lord or lady of a manor for any such purposes as aforesaid, the rights and interests of all persons in the said land shall be barred and divested by such conveyance]: Provided also, that upon the said land so granted as aforesaid, or any part thereof, ceasing to be used for the purposes in this Act mentioned, the same shall thereupon immediately revert to and become a portion of the said estate held in fee simple or otherwise, or of any manor or land as aforesaid, as fully to all intents and purposes as if this Act had not been passed, any thing herein contained to the contrary notwithstanding.

Textual Amendments

- F2** Words repealed by virtue of [Education \(Scotland\) Act 1945 \(c. 37\)](#), [Sch. 5](#)
- F3** Words in s. 2 repealed (E.W.) (1.10.2007 for E. and 1.4.2012 for W.) by [Commons Act 2006 \(c. 26\)](#), [ss. 48\(2\)\(b\), 56](#), [Sch. 6 Pt. 3](#) (with s. 60); [S.I. 2007/2584](#), [art. 2\(c\)\(d\)\(ii\)](#); [S.I. 2012/739](#), [art. 2\(g\)\(h\)](#)

Modifications etc. (not altering text)

- C6** S. 2 power to exclude third proviso conferred by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), [s. 106\(3\)](#)
- C7** S. 2: power to exclude third proviso conferred by [Education \(Scotland\) Act 1962 \(c. 47\)](#), [s. 119\(1\)](#) and [Education Act 1973 \(c. 16\)](#), [s. 2\(3\)](#)
- C8** S. 2 third proviso restricted (E.W.) (1.11.1996) by [1996 c. 56](#), [ss. 557\(8\)\(a\), 583\(2\)](#) (with s. 1(4), 561, 562, [Sch. 39](#)).
- C9** S. 2 third proviso excluded (S.) (retrospectively) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), [ss. 86, 129\(3\)](#) (with [ss. 119, 121](#))

3 Chancellor and council of the duchy of Lancaster empowered to grant lands to the trustees of any existing or intended school.

And whereas it may be expedient and proper that the chancellor and council of her Majesty's duchy of Lancaster, on her Majesty's behalf, should be authorised to grant, convey, or enfranchise, to or in favour of the trustee or trustees of any existing or intended school, lands and hereditaments belonging to her Majesty in right of her said duchy, for the purposes of this Act: it shall and may be lawful for the chancellor and council of her Majesty's duchy of Lancaster for the time being, by any deed or writing under the hand and seal of the chancellor of the said duchy for the time being, attested by the clerk of the council of the said duchy for the time being, for and in the name of her Majesty, to grant, convey, or enfranchise, to or in favour of such trustee or trustees, any lands and hereditaments to be used by them for the purposes of this Act, upon such terms and conditions as to the said chancellor and council shall seem meet; and where any sum or sums of money shall be paid as or for the purchase or consideration for such lands or hereditaments so to be granted, conveyed, or enfranchised as aforesaid, the same shall be paid by such trustee or trustees into the hands of the receiver general for the time being of the said duchy, or his deputy, and shall be by him paid, applied, and disposed of according to the provisions and regulations contained in the ^{MI}Duchy of Lancaster Act 1808, or any other Act or Acts now in force for that purpose: Provided always, that upon the saidland so granted as aforesaid, or any part thereof, ceasing to be used for the purposes in this Act mentioned, the same shall thereupon immediately revert to and become again a portion of the possessions of the said duchy, as fully to all intents and purposes as if this Act or any such grant as aforesaid had not been passed or made; any thing herein contained to the contrary notwithstanding.

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Marginal Citations

M1 1808 c. 73.

4 F4

Textual Amendments

F4 Ss. 1, 4 repealed by Statute Law Revision Act 1874 (No. 2) (c. 96)

5 Persons under disability empowered to convey lands for the purposes of this Act.

Where any person shall be equitably entitled to any manor or land, but the legal estate therein shall be in some trustee or trustees, it shall be sufficient for such person to convey the same for the purposes of this Act without the trustee or trustees being party to the conveyance thereof; and where any married woman shall be seised or possessed of or entitled to any estate or interest, manorial or otherwise, in land proposed to be conveyed for the purposes of this Act, she . . . ^{F5} may convey the same for such purposes by deed, without any acknowledgment thereof; and where it is deemed expedient to purchase any land for the purposes aforesaid belonging to or vested in any infant or [^{F6}person of unsound mind], such land may be conveyed by the guardian or committee of such infant, or the committee of such [^{F6}person of unsound mind], respectively, who may receive the purchase money for the same, and give valid and sufficient discharges to the party paying such purchase money, who shall not be required to see to the application thereof.

Textual Amendments

F5 Words repealed by Law Reform (Married women and Tortfeasors) Act 1935 (c. 30), Sch. 2

F6 Words substituted by Mental Treatment Act 1930 (c. 23), s. 20(5)

Modifications etc. (not altering text)

C10 S. 5 excluded by Mental Health Act 1983 (c. 20, SIF 85), s. 113, Sch. 3

C11 S. 5 repealed, in relation to patients and to persons as to whom powers are exercisable and have been exercised under Mental Health Act 1959 (c. 72), s. 104, by Mental Health Act 1959 (c. 72), s. 121, Sch. 5

6 Corporations, justices, trustees, &c. empowered to convey lands for the purposes of this Act.

It shall be lawful for any corporation, ecclesiastical or lay, whether sole or aggregate, and for any officers, justices of the peace, trustees, or commissioners, holding land for public, ecclesiastical, parochial, charitable, or other purposes or objects subject to the provisions next herein-after mentioned, to grant, convey, or enfranchise, for the purposes of this Act, such quantity of land as aforesaid in any manner vested in such corporation, officers, justices, trustees, or commissioners: Provided always, that no ecclesiastical corporation sole, being below the dignity of a bishop, shall be authorised to make such grant without the consent in writing of the bishop of the diocese to

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whose jurisdiction the said ecclesiastical corporation is subject: Provided also, that no parochial property shall be granted for such purposes without the consent of . . . ^{F7} the poor law commissioners, to be testified by their seal being affixed to the deed of conveyance . . . ^{F7} provided also, that where any officers, trustees, or commissioners, other than parochial trustees, shall make any such grant, it shall be sufficient if a majority or quorum authorised to act of such officers, trustees, or commissioners, assembled at a meeting duly convened, shall assent to such grant, and shall execute the deed of conveyance, although they shall not constitute a majority of the actual body of such officers, trustees, or commissioners: . . . ^{F8}

Textual Amendments

- F7** Words repealed by [Local Government Act 1929 \(c. 17\)](#), [Sch. 12 Pt. VII](#)
- F8** Words repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#) and [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)

7 Grants of land may be made to corporations or trustees, to be held by them for school purposes.

All grants of land or buildings, or any interest therein, for the purposes of the education of poor persons, whether taking effect under the authority of this Act or any other authority of law, may be made to any corporation sole or aggregate, or to several corporations sole, or to any trustees whatsoever, to be held by such corporation or corporations or trustees for the purposes aforesaid: Provided nevertheless, that any such grant may be made to the minister of any parish being a corporation, and the churchwardens or chapelwardens and overseers of the poor, or to the minister and kirk session of the said parish, and their successors; and in such case the land or buildings so granted shall be vested for ever thereafter in the minister, churchwardens, or chapelwardens, and overseers of the poor for the time being, or the minister and kirk session of such parish, but the management, direction, and inspection of the school shall be and remain according to the provisions contained in the deed of conveyance thereof: Provided also, that where any ecclesiastical corporation sole below the dignity of a bishop shall grant any land to trustees, other than the minister, churchwardens or chapelwardens, and overseers, for the purposes aforesaid, such trustees shall be nominated in writing by the bishop of the diocese to whose jurisdiction such corporation shall be subject; provided that where any school shall be intended for any ecclesiastical district not being a parish as herein-after defined, it shall be sufficient if the grant be made to the minister and church or chapel warden or wardens of the church or chapel of such district, and to hold to them and their successors in office; and such grant shall enure to vest the land, subject to the conditions contained in the deed of conveyance, in such minister and the church or chapel warden or wardens for the time being.

Modifications etc. (not altering text)

- C12** [S. 7](#) modified by [School Sites Act 1844 \(c. 37\)](#), [s. 4](#)

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8 Estates now vested in trustees for the purposes of education may be conveyed to the minister and churchwardens.

And whereas schools for the education of the poor in the principles of the Established Church, or in religious and useful knowledge, and residences for the masters or mistresses of such schools, have been heretofore erected, and are vested in trustees not having a corporate character: It shall be lawful for the trustees for the time being of such last-mentioned schools and residences, not being subject to the provisions of the ^{M2}Grammar Schools Act 1840, to convey or assign the same, and all their estate and interest therein, to such ministers and churchwardens and overseers of the poor of the parish within which the same are respectively situate and their successors as aforesaid, or, being situate within an ecclesiastical district not being a parish as herein after defined, then to the minister and church or chapel wardens of the church or chapel of such district, and their successors, in whom the same shall thereafter remain vested accordingly, but subject to and under the existing trusts and provisions respectively affecting the same.

Marginal Citations

M2 1840 c. 77.

9 Any number of sites may be granted for separate schools.

Any person or persons or corporation may grant any number of sites for district and separate schools, and residences for the master or mistress thereof, although the aggregate quantity of land thereby granted by such person or persons or corporation shall exceed the extent of one acre; provided that the site of each school and residence do not exceed that extent: Provided also, that not more than one such site shall be in the same parish.

Modifications etc. (not altering text)

C13 Reference to “parish” in s. 9 explained by [School Sites Act 1851 \(c. 24\)](#)

10 Form of grants, &c.

All grants, conveyances, and assurances of any site for a school, or the residence of a schoolmaster or schoolmistress, under the provisions of this Act, in respect of any land, messuages, or buildings, may be made according to the form following, or as near thereto as the circumstances of the case will admit; (that is to say,)

”I [or we, or the corporate title of a corporation], under the authority of an Act passed in the year of the reign of her Majesty Queen Victoria, intituled “An Act for affording further facilities for the conveyance and endowment of sites for school,” do hereby freely and voluntarily, and without any valuable consideration, [or do, in consideration of the sum of to me or us or the said paid], grant, [alienate,] and convey to all [description of the premises,] and all [my or our or the right, title, and interest of the] to and in the same and every part thereof, to hold unto and to the use of the said and his or their [heirs, or executors, or administrators, or successors,] for the purposes of the said Act, and to be applied as a site for a school for poor persons of and in the parish of and for the residence of the schoolmaster [or schoolmistress] of the said school [or for

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other purposes of the said school,] and for no other purpose whatever; such school to be under the management and control of [set forth the mode in which and the persons by whom the school is to be managed, directed, and inspected.] [In case the school be conveyed to trustees, a clause providing for the renewal of the trustees, and in cases where the land is purchased, exchanged, or demised, usual covenants or obligations for title, may be added.] In witness whereof the conveying and other parties have hereunto set their hands and seals, this day of Signed, sealed, and delivered by the said in the presence of of .’

And no bargain and sale or livery of seisin shall be requisite in any conveyance intended to take effect under the provisions of this Act, nor more than one witness to the execution by each party; . . . ^{F9}

Textual Amendments
F9 Words repealed by virtue of [Education \(Scotland\) Act 1945 \(c. 37\)](#), [Sch. 5](#)

11 Application of purchase money for land sold by any ecclesiastical corporation sole.

Where any land shall be sold by any ecclesiastical corporation sole for the purposes of this Act, and the purchase money to be paid shall not exceed the sum of twenty pounds, the same may be retained by the party conveying, for his own benefit; but when it shall exceed the sum of twenty pounds, it shall be applied for the benefit of the said corporation, in such manner as the bishop in whose diocese such land shall be situated shall, by writing under his hand, to be registered in the registry of his diocese, direct and appoint; but no person purchasing such land for the purpose aforesaid shall be required to see to the due application of any such purchase money.

12 ^{F10}

Textual Amendments
F10 [S. 12](#) repealed by virtue of [Education \(Scotland\) Act 1945 \(c. 37\)](#), [Sch. 5](#)

13 Ecclesiastical corporations sole to procure a certificate as to the extent of the land conveyed.

When any ecclesiastical corporation sole below the dignity of a bishop shall grant any land belonging to him in right of his corporation for the purposes of this Act, he shall procure a certificate, under the hands of three beneficed clergymen of the diocese within which the land to be conveyed shall be situate, as to the extent of the land so conveyed, to be endorsed on the said deed; which certificate shall be in the form following; (that is to say,)

”We, A.B. clerk, rector of the parish of C.D. clerk, rector of the parish of and E.F. clerk, vicar of the parish of , being three beneficed clergymen of the diocese of do hereby certify, that clerk, rector of the parish of within the said diocese of being about to convey a portion of land situate in the said parish of for the purposes of a school, under the powers of the Act passed in year of the reign of her Majesty Queen Victoria,

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intituled “An Act for affording further facilities for the conveyance and endowment of sites for schools,” we have at his request inspected and examined the portion of land, and have ascertained that the same is situate at [here describe the situation], and that the extent thereof does not exceed acre . As witness our hands, this day of at in the county of and diocese of .

Witness of .’

And until such certificate shall have been signed no such conveyance shall have any force or validity.

14 Trustees empowered to sell or exchange lands or buildings.

When any land or building shall have been or shall be given or acquired under the provisions of the said first-recited Act or this Act, or shall be held in trust for the purposes aforesaid, and it shall be deemed advisable to sell or exchange the same for any other more convenient or eligible site, it shall be lawful for the trustees in whom the legal estate in the said land or building shall be vested, by the direction or with the consent of the managers and directors of the said school, if any such there be, to sell or exchange the said land or building, or part thereof, for other land or building suitable to the purposes of their trust, and to receive on any exchange any sum of money by way of effecting an equality of exchange, and to apply the money arising from such sale or given on such exchange in the purchase of another site, or in the improvement of other premises used or to be used for the purposes of such trust; provided that where the land shall have been given by any ecclesiastical corporation sole, the consent of the bishop of the diocese shall be required to be given to such sale or exchange before the same shall take place: Provided also, that where a portion of any parliamentary grant shall have been or shall be applied towards the erection of any school, no sale or exchange thereof shall take place [^{F11}unless the Secretary of State consents.]

Textual Amendments

F11 Words substituted by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 2 para. 1](#)

Modifications etc. (not altering text)

- C14** [S. 14](#) explained by [Reverter of Sites Act 1987 \(c. 15, SIF 98:1\)](#), [s. 6\(2\)](#)
- C15** [S. 14](#) amended by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [ss. 101\(1\)](#), 231(7), 235(6)
- C16** The “said first-recited Act” means the Act 6 & 7 Will. 4 c. 70.
- C17** [S. 14](#) modified (1.4.1994) by [1993 c. 35, s. 131\(2\)](#); S.I. 1994/507, [art.3](#).
- C18** [S. 14](#) modified (E.W.) (1.11.1996) by [1996 c. 56, ss. 60\(6\)](#), 583(2) (with [s. 1\(4\)](#), 561, 562, [Sch. 39](#), [para. 30](#)).
- C19** [S. 14](#) modified (E.W.) (1.11.1996) by [1996 c. 56, ss. 297\(2\)](#), 583(2) (with [s. 1\(4\)](#), 561, 562, [Sch. 39](#), [para. 30](#)).
- C20** [S. 14](#) modified (1.9.1999) by [1998 c. 31, s. 22](#), [Sch. 3 Pt. I para. 2\(8\)](#) (with [ss. 138\(9\)](#), 144(6)); S.I. 1999/2323, [art. 2\(1\)](#), [Sch.1](#).
- C21** [S. 14](#) modified (1.9.1999) by [1998 c. 31, ss. 28, 29, 31](#), [Sch. 6 Pt. IV para. 16\(7\)](#) (with [ss. 138\(9\)](#), 144(6)); S.I. 1999/2323, [art. 2\(1\)](#), [Sch.1](#).
- C22** [S. 14](#) modified (E.) (25.5.2007) by [School Organisation \(Transitional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1355\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 6\(7\)](#)

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Textual Amendments
F12 S. 15 repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. V

16 F13

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Textual Amendments
F13 S. 16 repealed by Statute Law Revision Act 1874 (No. 2) (c. 96)

17 No schoolmaster to acquire a life interest by virtue of his appointment.

No schoolmaster or schoolmistress to be appointed to any school erected upon land conveyed under the powers of this Act shall be deemed to have acquired an interest for life by virtue of such appointment, but shall, in default of any specific engagement, hold his office at the discretion of the trustees of the said school.

18 F14

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Textual Amendments
F14 S. 18 repealed by Rent Act 1965 (c. 75), Sch. 7 Pt. II

19 F15

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Textual Amendments
F15 S. 19 repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. V

20 Definition of the term “parish.”

The term “parish” in this Act shall be taken to signify every place separately maintaining its own poor, and having its own overseers of the poor and church or chapel wardens.

21 Act not to extend to Ireland.

This Act shall not extend to Ireland.

22 F16

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Textual Amendments

F16 S. 22 repealed by Statute Law Revision Act 1874 (No. 2) (c. 96) and by virtue of Education (Scotland) Act 1945 (c. 37), **Sch. 5**

23 **F17**

Textual Amendments

F17 S. 23 repealed by Statute Law Revision Act 1874 (No. 2) (c. 96)

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