



School Sites Act 1844

1844 CHAPTER 37

An Act to secure the Terms on which Grants are made by Her Majesty out of the Parliamentary Grant for the Education of the Poor; and to explain the Act of the Fifth Year of the Reign of Her present Majesty, for the Conveyance of Sites for Schools. [19th July 1844]

WHEREAS during several Years last past divers Sums of Money have been granted by Parliament to Her Majesty, to be applied for the Purpose of promoting the Education of the Poor in *Great Britain*, and similar Grants may hereafter be made: And whereas Her Majesty hath appointed a Committee of Her Council to receive Applications for Assistance from such Grants, and to report thereon, and to advise Her as to the Terms and Conditions upon which such Assistance shall be granted, and many such Reports have been made, and approved of by Her Majesty, and the Terms and Conditions having been assented to by the Applicants, Grants have been made out of the said Fund: And whereas in some Cases, by reason of the Deeds of Endowment of Schools in respect of which such Applications have been received having been executed before the Grant has been made, such Terms and Conditions have not and cannot be made permanently binding on the Estate; but the Parties promoting the said Schools have entered into personal Obligations or Assurances for the due Performance of such Terms and Conditions, though deriving no beneficial Interest from the charitable Institution which they have established; and it is desirable to provide permanent Security to Her Majesty and Her Successors for the due Fulfilment of the Terms and Conditions, and to relieve the Parties from the personal Liabilities so entered into for the Purpose aforesaid :

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,

The Terms and Conditions upon which Parliamentary Aid has been given towards the building of Schools secured upon the Site.

That where any Grant hath been made or shall hereafter be made out of any Sums of Money heretofore granted or hereafter to be granted by Parliament for the Purposes of Education in *Great Britain*, under the Advice of any Committee of the Council on Education for the Time being, upon Terms and Conditions to provide for the Inspection

Status: This is the original version (as it was originally enacted).

of the School by an Inspector appointed or to be appointed by Her Majesty and Her Successors, which shall not be inserted in the Conveyance of the Site of the School, or in the Deed declaring the Trusts thereof, and such Grant shall be made in aid of the Purchase of the Site, or of the Erection, Enlargement, or Repair of the School, or of the Residence of the Master or Mistress thereof, or of the furnishing of the School, such Terms and Conditions shall be binding and obligatory upon the Trustees or Managers of the said School or other the Premises for the Time being, in like Manner and to the like Effect as though they had been inserted in the Conveyance of the Site of the said School, or in the Declaration of the Trusts thereof; and henceforth all personal Obligations entered into for the Purpose of securing the Fulfilment of such Terms and Conditions shall, so far as they relate thereto, but no further, be null and void: Provided nevertheless, that such Terms and Conditions shall have been or shall be set forth in some Document in Writing, signed by the Trustees of the said School or the major Part of them, or by the Party or Parties conveying the Site, in the Case where there shall have been a voluntary Gift thereof.

II The Terms upon which Aid shall be granted to Trustees of ancient endowed Schools.

And whereas there are many Endowments for the Purpose of Education of the Poor in *Great Britain* of ancient Date, the Schools whereon have become dilapidated, and, the Funds of such Endowment being insufficient for the Restoration thereof, Application is made by the Trustees, or by the Persons acting in the Discharge of the Trusts thereof, for Aid out of the said Parliamentary Grant, but the same hath been declined, because such Applicants could not impose upon their lawful Successors in the said Trust the Conditions which the said Committee would have advised Her Majesty to require to secure the due Inspection of such Schools, and it is expedient to enable them to do so; be it therefore enacted, That where the major Part of the Trustees of any endowed School for the Education of the Poor duly appointed under the Terms of the Deed of Endowment, or, when such Deed cannot be found or cannot be acted upon, of the Persons who shall be in the Possession of the Endowment, and shall be acting in the Execution of the Trusts or the reputed Trusts thereof shall, and in Cases where there shall be a Visitor of such School with the Consent of such Visitor in Writing, apply for Aid out of such Parliamentary Grant to enable them to rebuild, repair, or enlarge the School belonging to such Endowment, or the Residence of the Master or Mistress thereof, or to furnish such School, and shall in Writing assent to the said School being open to Inspection on behalf of Her Majesty and Her Successors, if the said Committee shall deem fit to advise that any such Grant shall be made, it shall immediately after the making of such Grant, and thenceforth from Time to Time, be lawful for any Inspector of Schools appointed by Her Majesty and Her Successors, in conformity with the Terms contained in the Writing testifying such Consent as aforesaid, to enter the said School at all reasonable Hours in the Day for the Purpose of inspecting and examining the State and Condition of the School and the Scholars thereat, and of making such Report thereon, as he shall deem fit.

III Death of Donor within Twelve Calendar Months not to avoid Grant.

And whereas by an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to afford further Facilities for the Conveyance and Endowment of Sites for Schools*, it is enacted, that 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, may grant, convey, or enfranchise, and subject to the Provisions therein mentioned,

any Quantity not exceeding One Acre of Land as a Site for a School or otherwise, as therein likewise specified; and it is desirable to prevent any such Grant, being of so, limited an Interest, from being defeated by the Death of the Grantor be it enacted, That where any Deed shall have been or shall be executed under the Powers and for the Purposes contained in the said Act, without any valuable Consideration, the same shall be and continue valid, if otherwise lawful, although the Donor or Grantor shall die within Twelve Calendar Months from the Execution thereof.

IV Site may be granted to the Minister and Churchwardens.

And whereas it was provided by the said Act that Grants of Land or Buildings, or any Interest therein, for the Purposes of the Education of poor Persons, might be made to the Minister of any Parish, being a Corporation, and the Churchwardens or Chapelwardens and Overseers of the Poor and their Successors, and it is sometimes found inexpedient or impracticable to introduce the Overseers as Parties to the legal Estate; be it therefore enacted, That such Grants may be made to the Minister and Churchwardens of any Parish, such Minister being the Rector, Vicar, or Perpetual Curate thereof, whether endowed or not, to hold to them and their Successors, subject to the Provisions contained in the Deed of Conveyance thereof for the Management, Direction, and Inspection of the School and Premises.

V Rector, Vicar, or Perpetual Curate may grant to the Minister and Churchwardens, or to the Minister, Churchwardens, and Overseers of his Parish.

And be it enacted, That if the Rector, Vicar, or Perpetual Curate of any Parish shall be desirous of making a Grant of any Land for the Purposes and under the Powers of the said Act, being Part of the Glebe or other Possessions of his Benefice, and shall, with the Consent of the Patron of the said Benefice, and of the Bishop of the Diocese within which the same shall be situated, grant the same to the Minister and Church or Chapel Wardens, or to the Minister, Church or Chapel Wardens, and Overseers of the Poor of the said Parish, such Grant shall be valid, and shall thenceforth enure for the Purposes of the Trust set forth therein, if otherwise lawful, notwithstanding such Minister is the Party making the Grant.

VI Act may be altered this Session.

And be it enacted, That this Act may be, altered by any other Act in this Session of Parliament.