



# School Sites Act 1849

1849 CHAPTER 49 12 and 13 Vict

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

## 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- C2 Act repealed (S.) by [Education \(Scotland\) Act 1945 \(c. 37\)](#), [Sch. 5](#); extended by [School Sites Act 1852 \(c. 49\)](#) and [Consecration of Churchyards Act 1867 \(c. 133\)](#), [s. 4](#) and repealed (S.) by [Education \(Scotland\) Act 1945 \(c. 37\)](#), [Sch. 5](#)
- C3 Preamble (which recites [Schools Sites Act 1841 \(c. 38\)](#) and [School Sites Act 1844 \(c. 37\)](#)) omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)
- C4 Act amended (*retrospectively*) by [Reverter of Sites Act 1987 \(c. 15, SIF 98:1\)](#), [ss. 1\(1\), 7\(1\)](#)
- C5 Unreliable marginal note

## [1.] **Where part only of lands under lease conveyed, the rent, and fine upon renewal of lease, may be apportioned.**

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 <sup>M1</sup>Schools Sites Act 1841, 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 Schools Sites Act 1841, 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.

*Changes to legislation: There are currently no known outstanding effects for the School Sites Act 1849. (See end of Document for details)*

**Marginal Citations**  
M1 1841 c. 38.

**2 Liabilities of tenants, and remedies of landlords, as to the lands not conveyed.**

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.

**3 The same person may grant several sites for schools in the same parish if the whole extent do not exceed certain limits.**

.....<sup>F1</sup> 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.

**Textual Amendments**  
F1 Recital omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)

**Modifications etc. (not altering text)**  
C6 Reference to “parish” in s. 3 explained by [School Sites Act 1851 \(c. 24\)](#)  
C7 The “said Act” means [Schools Sites Act 1841 \(c. 38\), s. 9](#)

**4 Grants of land for sites of schools by owners or tenants in tail to be valid, although grantor die within twelve months.**

.....<sup>F2</sup> It shall be lawful for all persons, being absolute owners or tenants in tail in possession, 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

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officers of such institution; . . . . .<sup>F3</sup>: 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.

**Textual Amendments**

**F2** Recital omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)

**F3** Words repealed by [Charities Act 1960 \(c. 58\)](#), **Sch. 7 Pt. II**

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**Modifications etc. (not altering text)**

**C8** References to elementary schools to be construed as references to county or voluntary schools: [Education Act 1944 \(c. 31\)](#), **s. 120(1)(a)**.

**5 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: 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.

**6** . . . . .<sup>F4</sup>

**Textual Amendments**

**F4** [S. 6](#) repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), **Sch. Pt. III**

**7 Interpretation clause.**

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 <sup>M2</sup>Schools Sites Act 1841, to convey lands for the purposes thereof.

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**Changes to legislation:** There are currently no known outstanding effects for the School Sites Act 1849. (See end of Document for details)

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**Marginal Citations**

**M2** [1841 c. 38.](#)

**8** ..... **F5**

.....  
**Textual Amendments**

**F5** [S. 8](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the School Sites Act 1849.