

Case summary

Issue

Did title to land, which was gifted to the Council for use as a school under the School Sites Act 1841, revert to the donor's estate when the school ceased to operate from the gifted land?

Facts

The Respondents are heirs of the late Robert Fleming, who conveyed land to Oxfordshire County Council in 1914 and 1928 under the School Sites Act 1841 for use as part of Nettlebed School. The Council erected a new school building on the gifted land and continued to use its existing site for the school's kitchen and dining room. In the late 1990s, the Council decided to relocate the school. It proceeded to build a new school on adjacent land, and transferred the students to the new premises in or about February 2006. The old premises ceased to be used as a school and the site was sold on 28 September 2007 for the sum of £1,355,000. The Respondents claim that 93.17% of site represented land gifted by Mr Fleming and that, because that land had ceased to be used by the school before the sale, it had "reverted" to Mr Fleming's estate. The result, they claimed, was that 93.17% of the sale proceeds was held on trust for them as Mr Fleming's heirs. The Council denied this, claiming that its actions did not trigger a reverter under the 1841 Act.

The High Court dismissed the Respondents' claim but the Court of Appeal overturned this decision on appeal. The Council now appeals to the Supreme Court to restore the High Court's decision.