
STATUTORY INSTRUMENTS

1994 No. 580

EDUCATION, ENGLAND AND WALES

**The Education (London Residuary Body)
(Transfer of Property etc.) Order 1994**

<i>Made</i>	- - - -	<i>8th March 1994</i>
<i>Laid before Parliament</i>		<i>8th March 1994</i>
<i>Coming into force</i>	- -	<i>29th March 1994</i>

Whereas the London Residuary Body, acting pursuant to section 187(2) of the Education Reform Act 1988(1), has submitted proposals to the Secretary of State for effecting a transfer of certain of its property, rights and liabilities:

And whereas the Secretary of State has decided to give effect to those proposals:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 187(5) (a), 231(2) and 232(5) of the Education Reform Act 1988 and section 77 of the Local Government Act 1985(2), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Education (London Residuary Body) (Transfer of Property etc.) Order 1994 and shall come into force on 29th March 1994.

(2) In this Order—

“the 1991 Order” means the London Government Reorganisation (Capital Money) (Greater London) Order 1991(3); and

“the 1992 Order” means the Education (London Residuary Body) (Transfer of Functions and Property) (No. 2) Order 1992(4).

Transfer of property, rights and liabilities

2. On 31st March 1994 —

(1) 1988 c. 40.

(2) 1985 c. 51; section 77 was amended by Part I of Schedule 12 to the Local Government and HOusing Act 1989 (c. 42) and by S.I.1990/268 and 776.

(3) S.I. 1991/439, amended by S.I. 1992/331 and 1993/2878.

(4) S.I. 1992/2257.

- (a) the rights and liabilities conferred or imposed on the London Residuary Body by the Rates and Precepts (Final Adjustments) Order 1991(5)
- (b) so much of the sum mentioned in article 6(5)(b) of the 1992 Order as has not been applied as mentioned in that sub-paragraph; and
- (c) all monies representing the London Residuary Body's inner London revenue and capital accounts

shall vest in the council of the Royal Borough of Kensington and Chelsea.

Amendment of the 1991 Order

3. Article 4 of the 1991 Order (distribution of capital money) shall be amended —

- (a) by the insertion of the following paragraph after paragraph (2)—

“(2A) On or before 31st March 1994, the Residuary Body shall pay £6,469,847.36 of capital money of the description specified in article 3(1)(c) above in the following manner—

- (a) to each billing authority which is an outer London borough council, the appropriate proportion; and
- (b) to the council of the Royal Borough of Kensington and Chelsea, the aggregate of the appropriate proportions in respect of billing authorities which are inner London borough councils and the Common Council of the City of London.”; and

- (b) in paragraph (3)(b), by substitution of the words “paragraphs (2)(b) and (2A)” for the words “paragraph (2)(b)”.

Amendment of the 1992 Order

4.—(1) The 1992 Order shall be amended in accordance with the following provisions of this article.

- (2) In article 1, paragraph (5) (meaning of “appropriate proportion”) shall be deleted.

- (3) In article 13 (apportionment of receipts and expenditure of Kensington and Chelsea) —

- (a) in paragraph (1) —

- (i) the words “this Order or the Education (London Residuary Body) (Transfer of Property etc.) Order 1994”, shall be substituted for the words “this Order and”;
- (ii) the words “those Orders” shall be substituted for the words “this Order” (in the second place where they occur); and
- (iii) the words “and the sum paid to Kensington and Chelsea by virtue of article 4(2A)(b) of the Local Government Reorganisation (Capital Money) (Greater London) Order 1991” shall be inserted after the words “article 2(1)(e)”, and

- (b) in paragraph (8) —

- (i) the word “and” at the end of sub-paragraph (a) shall be deleted; and
- (ii) the following shall be added after sub-paragraph (b)

“and

- (c) expenditure incurred in respect of the rights and liabilities transferred by article 2(a) of the Education (London Residuary Body) Transfer of Property etc.) Order 1994.

(9) In this article, “the appropriate proportion”, in relation to an inner London council or the Common Council in any financial year, means the proportion which the council tax base of that council for that financial year bears to the aggregate of the council tax bases of all the inner London councils and the Common Council for that financial year; and, for these purposes, “council tax base” means the amount calculated by such a council as their council tax base for a financial year in accordance with the rules for the time being effective (as regards the financial year) under regulations made by the Secretary of State under section 33(5) of the Local Government Finance Act 1992.

(10) The other inner London councils and the Common Council shall notify Kensington and Chelsea of their council tax base for a financial year; and such a notification shall be made—

- (a) in the case of the financial year beginning on 1st April 1994, not later than 1st May 1994; and
- (b) in the case of a financial year beginning on or after 1st April 1995, within the period beginning on 1st December and ending on 31st January in the preceding financial year.”(6).

Signed by authority of the Secretary of State for the Environment

Department of the Environment
8th March 1994

David Curry
Minister of State,

(6) The Local Government Finance Act 1992 c. 14; regulations under section 33(5) are made for the purposes of item T in section 33(1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to proposals submitted by the London Residuary Body (“the LRB”) under the Education Reform Act 1988 for the transfer to the council of the Royal Borough of Kensington and Chelsea (“Kensington and Chelsea”) of property, rights and liabilities.

Article 2 provides for the transfer to Kensington and Chelsea of the LRB’s rights and liabilities in relation to the Rates and Precepts (Final Adjustments) Order 1991 and of monies previously set aside from inner London revenue balances which the LRB could only use to defray expenditure in respect of those rights and liabilities. All other monies representing the LRB’s inner London revenue and capital accounts are also transferred to Kensington and Chelsea.

Article 3 amends the Local Government (Capital Money) (Greater London) Order 1991 by providing for a distribution to the councils of the outer London boroughs and to Kensington and Chelsea of money specified as capital money for the purposes of section 77 of the Local Government Act 1985.

Article 4 amends article 13 of the Education (London Residuary Body) (Transfer of Functions and Property) (No.2) Order 1992 (which provides for the apportionment of monies vested in Kensington and Chelsea and of expenditure which cannot be met from those monies) by inserting references to monies received by Kensington and Chelsea in consequence of this Order and by providing for apportionments to be made in proportions referable to the council tax bases of the authorities concerned instead of the previous population base.