
STATUTORY INSTRUMENTS

1991 No. 497

**EDUCATION, ENGLAND AND WALES
LONDON GOVERNMENT**

**The Education (London Residuary
Body) (Property Transfer) Order 1991**

<i>Made</i>	- - - -	<i>6th March 1991</i>
<i>Laid before Parliament</i>		<i>7th March 1991</i>
<i>Coming into force</i>	- -	<i>28th March 1991</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 transfers of certain property, rights and liabilities transferred to it, or held, acquired or incurred by it by virtue of, or in the exercise of any of its functions under, Part III of that Act;

And whereas the London Residuary Body, acting pursuant to section 67(1)(b) of the Local Government Act 1985⁽²⁾, has submitted a scheme to the Secretary of State for the disposal of its remaining functions, property, rights and liabilities other than those connected with its functions under the Education Reform Act 1988;

And whereas the Secretary of State has decided to give effect to those proposals and to give further effect to that scheme in both cases with modifications;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 187(5) and (6), 231(2) and (3) and 232(5) of the Education Reform Act 1988 and sections 67(3) and 100(2) of the Local Government Act 1985, 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) (Property Transfer) Order 1991 and shall come into force on 28th March 1991.

(2) In this Order—

“the LRB” means the London Residuary Body; and

“the transfer date” means 1st April 1991.

(1) 1988 c. 40.

(2) 1985 c. 51; section 67(1)(b) was amended by the Education Reform Act 1988, section 164(2).

(3) Unless the context otherwise requires, any reference in this Order to a numbered article or Schedule is a reference to the article of, or Schedule to, this Order so numbered.

Transfer of land etc.

2.—(1) Subject to paragraphs (3), (4) and (5) below, on the transfer date all interests, rights and liabilities of the LRB in the land specified in column (2) of Part I of Schedule 1 shall vest in the London borough council or body specified in column (1) of that Part.

(2) On the transfer date all interests, rights and liabilities of the LRB in the land specified in Part II of Schedule 1 shall vest in the London borough council in whose area such land is situated.

(3) The LRB shall remain entitled to any refund of rates payable in respect of any such land referred to in paragraph (1) above for any period prior to 1st April 1990 and may continue any appeal in respect of any assessment in respect of any such period.

(4) The vesting effected by paragraph (1) above of part of the site of the former Mayfield School, West Hill, SW15 shall include the rights in fee simple over that part of the site not transferred by this Order set out in Part I of Schedule 2 and shall except and reserve the rights in fee simple for the benefit of that part not so transferred set out in Part II of that Schedule.

(5) There is excepted and reserved from the vesting effected by paragraph (1) above of the Sacred Heart School, Este Road, SW 11 the rights in fee simple for the benefit of the LRB's adjacent property known as Shillington Premises and Site, Este Road, SW 11 set out in Part III of Schedule 2.

Records relating to land transferred

3.—(1) Subject to paragraph (2) below, on the transfer date all records held by the LRB relating exclusively to interests, rights and liabilities in land transferred by article 2 shall vest in the council or body to which such interests are so transferred.

(2) The LRB shall remain entitled to retain custody of records relating to any appeal referred to in article 2(3).

Condition imposed on transfer

4.—(1) Land transferred pursuant to article 2(1) is subject to the condition that it or any interest in it shall not be disposed of within 20 years of the transfer date without the consent in writing of the Secretary of State.

(2) In giving his consent the Secretary of State may impose conditions regarding the payment of all or part of the consideration for any such disposal, in such proportions as he may direct, to any or all of the councils of the inner London boroughs and (in their capacity as a local authority) the Common Council of the City of London.

General transfer of property other than land

5.—(1) Where an interest in land vests by virtue of article 2 in any council or body, any property in or on the land, being property held by LRB for any of its functions shall, subject to article 6, vest in that council or body.

(2) Paragraph (1) above applies—

- (a) to property used or intended to be used exclusively for the discharge of functions on any land, and which is kept elsewhere when not in use;
- (b) to vehicles and other mobile equipment which are normally kept on any land; and
- (c) to property which is normally kept in or on land and which is immediately before the transfer date on loan from the LRB to another person or body,

as it applies to property in or on that land.

(3) The reference in paragraph (1) above to the vesting of any property shall be construed as including a reference to the vesting of rights and liabilities of the LRB in respect of any agreement for the hire or use by, or deposit with, the LRB of any such property.

(4) On the transfer date all records held by the LRB relating exclusively to property transferred by this article shall vest in the council or body to which such property is so transferred.

Transfer of vehicles

6.—(1) On the transfer date property in the vehicles listed in column (2) of Schedule 3 with the registration numbers listed in column (3) of that Schedule shall vest in the London borough council listed opposite thereto in column (1) of that Schedule.

(2) Any vehicle licence, operator's licence, road service licence, plating certificate or other document issued in respect of any vehicle the property in which is transferred by this Order shall have effect as if it had been issued to the council to whom property in such vehicle is transferred ("the transferee") and any reference to the LRB or ILEA in any registration book or other document issued in respect of such a vehicle shall have effect as a reference to the transferee.

Transfer of paintings etc.

7. On the transfer date the interests of the LRB in five paintings and two busts specified in the Schedule to a loan agreement dated 14th November 1990 and made between the LRB of the one part and the Mayor and Commonalty and Citizens of the City of London of the other part shall vest in the latter.

Transfer of records to the Common Council of the City of London

8.—(1) This article applies to—

- (a) any records of the former Greater London Council vested in the LRB under article 12 of the Local Government Reorganisation (Property etc.) Order 1986(3) ;
- (b) any records of ILEA vested in the LRB under or by virtue of any provision of the Education Reform Act 1988; and
- (c) any records of the LRB,

which have not already vested in the Common Council of the City of London ("the Common Council") under article 11 of the London Residuary Body (Transfer of Property etc) Order 1990(4) or which are not otherwise disposed of under the provisions of this Order and which the LRB's Director of Administration certifies by 30th March 1991 or by each succeeding 30th March are no longer required by the LRB.

(2) On 31st March next following such certification all records so certified to which this article applies and any copyright in them shall vest in the Common Council.

- (a) (3) (a) On 28th March 1991 the LRB shall set aside from its direct capital receipts the sum of £605,730; and
- (b) On 29th March 1991 the LRB shall transfer that sum to the Common Council.

(4) The sum transferred by paragraph 3(b) above shall be applied by the Common Council only for defraying expenditure on or in connection with the provision of accommodation for the storage of the records vested in them by paragraph (2) above.

(3) S.I. 1986/148.

(4) S.I. 1990/419.

(5) For the purposes of paragraph (3) above “direct capital receipts” has the same meaning as in article 2(1) of the Education (London Residuary Body) (Capital Money) Order 1991⁽⁵⁾.

(6) The LRB shall have the right to inspect and to be supplied with copies of any records transferred by this article.

Continuity etc.

9.—(1) All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given, or have effect as if given, by, or to, the LRB in respect of any property, rights or liabilities (“transferred matters”) transferred by this Order shall be of full force and effect in favour of, or against, the council or body (“the transferee”) to which such matters are transferred.

(2) Subject to article 2(3), any action or proceeding, or any cause of action or proceeding, pending or existing at the transfer date by or against the LRB and in respect of any transferred matters may be continued, prosecuted and enforced by or against the transferee.

Enforcement of conditions

10.—(1) The LRB shall enforce, subject to any directions given by the Secretary of State, compliance with conditions imposed in relation to land transferred by this Order, by the Education (Inner London Education Authority) (Property Transfer) Order 1990⁽⁶⁾ or by the Education (Inner London Education Authority) (Property Transfer) (No. 2) Order 1990⁽⁷⁾.

(2) The LRB shall apply to the registering authority for the registration of any condition referred to in paragraph (1) above which constitutes a local land charge and in respect of any such local land charge the LRB shall be the originating authority for the purposes of the Local Land Charges Act 1975⁽⁸⁾.

(3) In paragraph (2) above, “local land charge” and “registering authority” have the same meaning as in the Local Land Charges Act 1975.

6th March 1991

Kenneth Clarke
Secretary of State for Education and Science

(5) S.I. 1991/184.

(6) S.I. 1990/124, amended by S.I. 1990/313, 772.

(7) S.I. 1990/772.

(8) 1975 c. 76.

SCHEDULE 1

Article 2(1) and (2)

TRANSFER OF LAND

PART I

(1) Transferring to	(2) Description
The City Literary Institute	Premises of the former Central London Institute/City Lit, 16 Stukeley Street WC2B 5LT and Bolt Court Centre, 6 Bolt Court, Fleet Street EC4A 3DY
City of London Polytechnic	Premises of the former Central London Institute/City Lit (Centre for the Deaf), Keeley House, Keeley Street WC2B 4BA
Cordwainers College Association	Premises of the former London College of Furniture at 41-47, Commercial Road E1 1LA, and Farrance Street E 14 7DU
Geffrye Museum Trust	Cordwainers Technical College, 182 Mare Street E8 3RE Geffrye Museum and Gardens, Kingsland Road E2 8EA (including the site of 63-67 Geffrye Street) Geffrye Museum Playground, Geffrye Street/ Cremer Street E2
Council of the London Borough of Wandsworth	That part of the site of the former Mayfield School, West Hill SW15 not the subject of a lease dated 7th August 1990 and made between the LRB of the one part and ADT Wandsworth CTC Limited of the other part Duntshill Road Allotments, Duntshill Road SW18 Sacred Heart School, Este Road SW 11
Polytechnic of Central London	Premises of the former Paddington College in Samford Street W9
Council of the London Borough of Camden	North Transport Garage, 7 York Way NW 1
Council of the London Borough of Greenwich	South East Bus Garage, Blackwall Lane SE 10
Council of the London Borough of Hackney	East Bus Garage, 44 Waterden Road E15 2EE
Council of the London Borough of Lambeth	Nine Elms Bus Garage, 2-12 Ponton Road SW8, Bays 6-12 (even) inclusive

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

PART II

Approximate area in square metres	Description
28	In the London Borough of Camden: Land in Charrington Street at the south east corner of Sir William Collins School
5	In the London Borough of Greenwich: Land at the corner of Ivor Grove and Footscray Road adjacent to Wyborne Primary School
445	In the London Borough of Hammersmith & Fulham Land in former Langford Road
66.5	In the London Borough of Islington: Land to the rear of 45 Nicholay Road
123	In the London Borough of Lewisham: Land in Rolt Street and footpath between Rolt Street and Etta Street
250	Land in Elmira Street, to the south of Lewisham Bridge Primary School
315	Land in Honor Oak Road fronting Fairlawn Primary School
204	Land in Coopers Lane, to the south of Coopers Lane Primary School
94	Land at The Peak adjacent to Saint Batholomew's Primary School
99	Land in Marvels Lane adjacent to Marvels Lane Primary School
127	Land in Bell Green Lane adjacent to Haseltine Primary School
87	In the London Borough of Southwark: Land to the rear of 15 Haymerle Road
450	Part of Credon Road between Delaford and Barkworth Roads
10.5	Land in Pitman Street
755	Part of Renforth Street
204	Land in Ophir Terrace
1305	Part of Longhope Close adjacent to Gloucester Primary School

Approximate area in square metres	Description
5	Land in Beatson Walk by Peter Hills, Saint Mary's and Saint Paul's Church of England Primary School
2.1	Land at the corner of Warrior Road and Farmer's Road
8	In the London Borough of Wandsworth: Land at the corner of Albert Drive and Princes Way
303	In the London Borough of Westminster: Land in Penfold Street, Bell Street and Lisson Street adjacent to North Westminster Community School

SCHEDULE 2

Article 2(4) and (5)

GRANT AND EXCEPTION AND RESERVATION OF RIGHTS

PART I

Mayfield School, West Hill SW15

Rights granted with the premises transferred article 2(1):

Rights of the like nature mutatis mutandis to those reserved from a demise of part of the site of the former Mayfield School for the benefit of that part transferred by this Order and set out in Part II of the Schedule to a lease dated 7th August 1990 and made between the LRB of the one part and ADT Wandsworth CTC Limited of the other part.

PART II

Mayfield School, West Hill SW15

Rights excepted and reserved from the premises transferred by article 2(1):

Rights of the like nature mutatis mutandis to those demised with the land demised by the said lease dated 7th August 1990 over that part of the site transferred by this Order and set out in Part I of the Schedule to that lease.

PART III

Sacred Heart School, Este Road SW11

Rights excepted and reserved from the premises transferred by article 2(1):

1. The right to free an uninterrupted passage of gas from and to the LRB's adjacent premises through the pipes which are now laid in under or through the premises.

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2. The right with workmen and others and with or without equipment and materials at all reasonable times upon giving previous written notice (or in case of emergency at any time without notice) to enter into and upon the premises for the purpose of constructing repairing cleansing and maintaining replacing or renewing any such pipes and making connections to all such pipes now laid in under or through the premises.

Subject to the person so entering causing as little damage as reasonably possible and as soon as reasonably possible making good any damage thus caused.

SCHEDULE 3

Article 6

TRANSFER OF VEHICLES

(1) Council of Inner London Borough	(2) Description of Vehicle	(3) Registration Number
Camden	Leyland Cub, 31 seater	YBK 129V
Hackney	Dodge 50, 17 seater	KYM831X
	Ford R Series, 32 seater	OHV 196Y
	Ford R Series, 32 seater	OHV 205Y
Greenwich	Bedford PFK, 31 seater	XHV 688T
	Bedford PFK, 31 seater	XHV 689T
	Bedford PFK, 31 seater	XHV 695T
	Bedford PFK, 31 seater	GYE 779W
	Dodge 50, 17 seater	KYM 852X
Islington	Bedford PJK, 26 seater	HUW 601W
	Dodge 50, 17 seater	KYM 829X
Kensington & Chelsea	Bedford PFK, 31 seater	XHV 671T
Lambeth	Bedford PFK, 31 seater	BYY 873V
	Bedford PFK, 31 seater	GYE 775W
	Bedford PJK, 26 seater	HUW 599W
	Ford Transit, 15 seater	DYR 954V
	Ford Transit, 15 seater	KYM 855X
Lewisham	Bedford PFK, 31 seater	XHV 681T
	Bedford PFK, 31 seater	XHV 690T

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(1) Council of Inner London Borough	(2) Description of Vehicle	(3) Registration Number
	Bedford PFK, 31 seater	XHV 691T
	Bedford PFK, 31 seater	GYE 818W
	Dodge 50, 17 seater	HUW 600W
		KYM 851X
Southwark	Bedford PFK, Mobile Class	WYY 790T
	Bedford PFK, 31 seater	XHV 694T
	Bedford PFK, 31 seater	XHV 672T
	Bedford PFK, 31 seater	XHV 675T
	Bedford PFK, 31 seater	GYE 777W
	Bedford PFK, 31 seater	GYE 781W
	Dodge 50, 17 seater	KYM 833X
Tower Hamlets	Dodge 50, 17 seater	KYM 832X
Wandsworth	Dodge 50, 17 seater	KYM 828X
Westminster	Dodge 50, 17 seater	KYM 846X

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the transfer to specified inner London borough councils and other bodies of certain property, rights and liabilities originally transferred to, or held, acquired or incurred by the London Residuary Body (“the LRB”) by virtue of, or in the exercise of any of its functions under Part 111 of the Education Reform Act 1988 (“the 1988 Act”).

The Order gives effect with modifications to proposals made by the LRB in respect of such transfers pursuant to section 187(2) of the 1988 Act.

Land transferred pursuant to article 2(1) may not be disposed of within 20 years without the consent in writing of the Secretary of State (article 4). The LRB is made responsible for enforcing such condition and any condition imposed by the Education, (Inner London Education Authority) (Property Transfer) Order 1990 or by the Education (Inner London Education Authority) (Property Transfer) (No. 2) Order 1990 (article 10).

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The interests of the LRB in five paintings and two busts are transferred to the Mayor and Commonality and Citizens of the City of London by article 7. In making provision for the transfer of certain records which do not relate to the LRB's functions under Part III of the 1988 Act article 8 gives further effect to a scheme submitted by the LRB to the Secretary of State pursuant to section 67(1)(b) of the Local Government Act 1985.

The loan agreement referred to in article 7 identifying the paintings and busts transferred may be inspected during normal office hours at the offices of the London Residuary Body, Globe House, 4 Temple Place, London WC2R 3HP and at the offices of the Corporation of the City of London, Guildhall, London EC2 2EJ.

The lease dated 7th August 1990 and made between the LRB and ADT Wandsworth CTC Limited referred to in Parts I and 11 of Schedule 2 may be inspected during normal office hours at the offices of the LRB referred to above and at the offices of Wandsworth Borough Council, The Town Hall, Wandsworth High Street, London SW18 2PU.

Plans showing the land transferred pursuant to article 2 may be inspected during normal office hours at the offices of the LRB referred to above.