



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART III

#### EDUCATION IN INNER LONDON

##### *Miscellaneous and supplementary*

#### 192 Charities.

- (1) Where immediately before the abolition date—
  - (a) any property is held exclusively for charitable purposes by ILEA as sole trustee; and
  - (b) the charity is primarily for the benefit of the area of a single inner London council;that property shall on that date vest for the like purposes in that council.
- (2) Where immediately before that date any power with respect to any such charity as is mentioned in subsection (1)(b) above was under the trusts of the charity vested in, or in the holder of any office connected with, ILEA, that power shall on that date vest in, or in the holder of the corresponding office connected with, the inner London council concerned.
- (3) Where in the case of any such power vested in the holder of any office connected with ILEA there is no corresponding office connected with the inner London council concerned, that power shall on that date vest in the holder of such other office connected with that council as the Charity Commissioners may with the consent of that council and the office-holder concerned appoint.
- (4) Where immediately before that date—
  - (a) any property is held exclusively for charitable purposes by ILEA as sole trustee; and
  - (b) subsection (1) above does not apply to that property;

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that property shall on that date vest for the like purposes in the London Residuary Body or in such other person as the Charity Commissioners may appoint.

- (5) Where immediately before that date any power with respect to any charity, other than any such charity as is mentioned in subsection (1)(b) above, was under the trusts of the charity vested in, or in the holder of any office connected with, ILEA, that power shall on that date vest in the London Residuary Body or in such other person as the Charity Commissioners may appoint.
- (6) References above in this section to a power with respect to a charity shall not include references to any power of any person by virtue of being a charity trustee of that charity; but where under the trusts of any charity the charity trustees immediately before the abolition date included ILEA or the holder of an office connected with ILEA then, as from that date, those trustees shall instead include—
- (a) such of the inner London councils;
  - (b) the holder of such office connected with such of those councils; or
  - (c) such other person;
- as the Charity Commissioners may appoint.
- (7) If in any case an appointment is not made by the Charity Commissioners for the purposes of any of subsections (3) to (6) above before the abolition date, the London Residuary Body shall be treated as having been so appointed pending the making of such an appointment by those Commissioners; but an appointment made by those Commissioners after the abolition date must be made before the end of the period of two years beginning with that date.
- (8) References in subsections (2), (5) and (6) above to a charity shall not include a charity which is a company [<sup>F1</sup>as defined in section 1(1) of the Companies Act 2006] or incorporated by charter.
- (9) For the purposes of this section, a charity is a charity primarily for the benefit of the area of a single inner London council if the charity is established for purposes which are by their nature or by the trusts of the charity directed wholly or mainly to the benefit of an area which falls wholly or mainly within that council's area.
- (10) Nothing in this section shall affect the power of Her Majesty, the court or any other person to alter the trusts of any charity.
- (11) In this section “charity”, “charitable purposes”, “charity trustees”, “court” and “trusts” have the same meanings as in [<sup>F2</sup>the Charities Act 1993].

#### Textual Amendments

- F1** Words in s. 192(8) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 96\(5\)](#) (with art. 10)
- F2** Words in s. 192(11) substituted (1.8.1993) by [1993 c. 10](#), s. 98(1), [Sch. 6](#), para.30

### <sup>F3</sup>193 Information and access to documents.

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Textual Amendments

F3 S. 193 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 4

F4194 Concurrent employment.

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Textual Amendments

F4 S. 194 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 4

195 Continuity of exercise of functions.

- (1) The abolition of ILEA shall not affect the validity of anything done by ILEA before the abolition date.
- (2) Anything which at that date is in process of being done by or in relation to ILEA in the exercise of or in connection with any statutory functions which by virtue of any provision made by or under this Part become functions of the inner London councils in respect of their respective areas or (as the case may be) of some other local authority or of the London Residuary Body may be continued by or in relation to the successor authority.
- (3) References in this section, in relation to any statutory functions, to the successor authority are references to the inner London council or other local authority or body by which those functions become exercisable or (as the case may be) become exercisable in respect of the area in question.
- (4) Any instrument made by ILEA in exercise of or in connection with any functions to which subsection (2) above applies, and any other thing done by or in relation to ILEA before the abolition date in exercise of or in connection with any such functions shall, so far as required for continuing its effect on and after that date, have effect as if made by, or done by or in relation to, the successor authority.
- (5) Any reference above in this section to any instrument made by, or to any other thing done by or in relation to, ILEA includes a reference to any instrument or other thing which by virtue of any enactment is treated as having been made by, or done by or in relation to, ILEA.
- (6) So far as is required for giving effect to the preceding provisions of this section—
  - (a) any reference in any document to ILEA shall be construed as a reference to the successor authority; and
  - (b) any reference in any document to ILEA’s area (whether as the Inner London Education Area or otherwise), or to any part of that area comprising the successor authority’s area, shall be construed as a reference to the successor authority’s area.
- (7) For the purposes of subsection (6)(b) above, the London Residuary Body’s area shall be taken to be the area comprising the areas of all the inner London councils.

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- (8) Any question under this section as to which is the successor authority in respect of any particular functions may be determined by a direction given by the Secretary of State.
- (9) The preceding provisions of this section—
  - (a) are without prejudice to any provision made by this Part in relation to any particular functions; and
  - (b) shall not be construed as continuing in force any contract of employment made by ILEA.
- (10) The Secretary of State may, in relation to any particular functions, by order exclude, modify or supplement any of the preceding provisions of this section or make such other transitional provision as he thinks necessary or expedient.

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

**C1** S. 195(2), (4)–(8) modified by [S.I. 1990/124](#), [art. 12\(2\)](#)

## 196 Interpretation of Part III.

- (1) In this Part—
  - “the 1985 Act” has the meaning given by section 164(3);
  - “the abolition date” has the meaning given by section 162(2);
  - “ILEA” has the meaning given by section 162(1)(a);
  - “inner London council” has the meaning given by section 163(2); and
  - “statutory functions” means functions conferred or imposed by an enactment or a statutory instrument.
- (2) References in this Part, in relation to an inner London council, to its LEA functions shall be read in accordance with section 165(1)(a).

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 120(4A) inserted by [2022 asc 1 Sch. 4 para. 5\(2\)](#)
- s. 124A(9A)(9B) inserted by [2022 asc 1 s. 137\(3\)](#)
- s. 125(8)(9) inserted by [2022 asc 1 s. 138\(2\)](#)
- s. 128(1)(b)(iib) omitted by [2011 c. 21 Sch. 16 para. 8](#)
- s. 128(1)(b)(iia) omitted by [2015 c. 20 Sch. 14 para. 35](#)
- s. 128(1A)-(1C) inserted by [2022 asc 1 s. 139\(3\)](#)
- s. 128(7)-(10) inserted by [2022 asc 1 s. 139\(6\)](#)
- s. 232(4ZA)-(4ZC) inserted by [2022 asc 1 s. 138\(3\)\(b\)](#)