



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART III

#### EDUCATION IN INNER LONDON

##### *Control of ILEA's contracts and disposals*

#### **190 Wrongful contracts or disposals.**

- (1) This section applies where ILEA—
  - (a) has entered into any contract to which section 188 of this Act applies; or
  - (b) has made any disposal to which section 189 of this Act applies;in contravention of that section (referred to below in this section as a wrongful contract or, as the case may be, a wrongful disposal).
- (2) In the case of a wrongful contract or a wrongful disposal which consists in entering into a contract to dispose of any land or to grant or dispose of any interest in land, the aggrieved body may by notice in writing served on the other party to the contract repudiate the contract—
  - (a) in the case of a wrongful contract, at any time before the contract is performed;
  - (b) in the case of a wrongful disposal, at any time before the conveyance or grant of the land or interest in land to which it relates is completed or executed.
- (3) In the case of a wrongful disposal which consists in granting an option to acquire any land or interest in land, the aggrieved body may by notice in writing served on the option holder repudiate the option at any time before it is exercised.
- (4) A repudiation under subsection (2) or (3) above shall have effect as if made by ILEA.
- (5) In the case of a wrongful disposal which consists in granting or disposing of any interest in land (whether or not in pursuance of any earlier disposal of a description falling within subsection (2) or (3) above)—
  - (a) the aggrieved body may be authorised by the Secretary of State to purchase compulsorily the interest in land which was the subject of the disposal; . . . <sup>F1</sup>

*Status: Point in time view as at 16/05/1992. This version of this provision has been superseded.*

*Changes to legislation: Education Reform Act 1988, Section 190 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) ..... F2

- (6) The <sup>M1</sup>Acquisition of Land Act 1981 shall apply in relation to the compulsory purchase of land under subsection (5) above by an aggrieved body (other than the London Residuary Body) as if references in sections 12 and 13 of that Act to every owner of the land included references to the London Residuary Body.
- (7) Where an aggrieved body (other than the London Residuary Body) acquires any interest in land by a compulsory purchase under subsection (5) above, the body shall be entitled to recover from the London Residuary Body an amount equal to the aggregate of—
- (a) the amount of compensation agreed or awarded in respect of that purchase, together with any interest payable by the council in respect of that compensation in accordance with section 11 of the <sup>M2</sup>Compulsory Purchase Act 1965; and
  - (b) the amount of the costs and expenses incurred by the body in connection with the making of the compulsory purchase order.
- (8) A body is an aggrieved body for the purposes of this section—
- (a) in relation to a wrongful contract, if rights or liabilities under the contract have been transferred to, or have vested in, the body by or under this Part;
  - (b) in relation to a wrongful disposal of a description falling within subsection (2) or (3) above, if the land proposed to be disposed of, or in which an interest is proposed to be granted, has been so transferred or has so vested;
  - (c) in relation to a disposal of a description falling within subsection (5) above, if (but for the disposal)—
    - (i) the interest disposed of would have been so transferred or would have so vested; or
    - (ii) where the disposal consists in the granting of an interest in land, the land in which the interest was granted would have been so transferred, or would have so vested, free of the interest.

#### Textual Amendments

**F1** Word repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Part I**

**F2** Ss. 190(5)(b), 201(5)(b) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), **Sch. 12 Part I**

#### Marginal Citations

**M1** 1981 c. 67.

**M2** 1965 c. 56.

**Status:**

Point in time view as at 16/05/1992. This version of this provision has been superseded.

**Changes to legislation:**

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