
STATUTORY INSTRUMENTS

1991 No. 2778

EDUCATION, ENGLAND AND WALES

**The Education (London Residuary Body)
(Property Transfer) (No. 4) Order 1991**

Made - - - - *9th December 1991*
Laid before Parliament *10th December 1991*
Coming into force - - *1st January 1992*

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 Secretary of State has decided to give effect to those proposals 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 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) (No. 4) Order 1991 and shall come into force on 1st January 1992.

(2) In this Order—

“the LRB” means the London Residuary Body; and

“the transfer date” means 1st January 1992.

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

Transfer of land etc.

2.—(1) Subject to paragraph (3) below, on the transfer date all interests, rights and liabilities of the LRB in the land specified in column (2) of Part I of the Schedule to this Order shall vest in the London borough council specified opposite thereto in column (1) of that Part.

(1) 1988 c. 40.

(2) On the transfer date all interests, rights and liabilities of the LRB in the land specified in Part II of the Schedule to this Order 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 relation to 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.

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 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) Subject to paragraph (3) below, 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.

(3) Paragraph (1) above does not apply to a disposal required by paragraph (4) or (5) below.

(4) York Way Youth Club, York Way N1; the former New River School, Clissold Road, N16; and the Greenwich Park Upper School Extension site, King George Street, SE10 are in each case transferred subject to the condition that the land is to be brought into use wholly or mainly for the purposes of the transferee council's functions as the local education authority for their area by 1st January 1995 and that, if it is not so brought into use, it is to be disposed of and the proceeds of sale after deduction therefrom of a sum equal to the aggregate amount of any capital expenditure incurred since 1st January 1992 in relation to the land by the transferee and of any expenditure so incurred in connection with the disposal of the land, are to be divided between the councils of the inner London boroughs and (in their capacity as a local authority) the Common Council of the City of London in proportion to their populations of children of compulsory school age, based on the most recent returns to the Department of Education and Science available at the time of completion of the sale.

(5) Christ Church Church of England southern site extension and north-eastern site extension are transferred subject to the following conditions—

(a) if the north-eastern site extension is brought into use wholly or mainly for the purposes of the transferee council's functions as the local education authority for their area by 1st January 1995 the southern site extension is to be disposed of; and

(b) if the north-eastern site extension is not so brought into use it is to be disposed of.

(6) The proceeds of sale of a disposal under paragraph (5) above are to be distributed in accordance with paragraph (4) above.

General transfer of property other than land

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

(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 to which such property is so transferred.

(5) 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 article 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.

Continuity etc.

6.—(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 ("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

7. The LRB shall enforce, subject to any directions given by the Secretary of State, compliance with the conditions imposed by article 4 in relation to property transferred pursuant to article 2(1).

9th December 1991

Kenneth Clarke
Secretary of State for Education and Science

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

THE SCHEDULE

Article 2(1) and (2)

TRANSFER OF LAND

PART I

(1) <i>Transferring to</i>	(2) <i>Description</i>
Council of the London Borough of Greenwich	Greenwich Park Upper School Extension site, King George Street, SE10
Council of the London Borough of Hackney	Bow Common Lane Annex, 190 Bow Common Lane, E3 Former New River School, Clissold Road, N16
Council of the London Borough of Hammersmith and Fulham	Bryony Buildings, Bryony Road, W12
Council of the London Borough of Islington	Block A, former Barnsbury School, Liverpool Road, N1 York Way Youth Club, York Way, N1
Council of the London Borough of Lewisham	Christ Church Church of England School southern site extension and north-eastern site extension, Perry Vale, SE23
Council of the London Borough of Tower Hamlets	The Kirtland Centre, 103 Coborn Street, N3
Council of the London Borough of Wandsworth	9 Rushleigh, 32 Thurleigh Road, SW12

PART II

<i>Description</i>	<i>Approximate area in square metres</i>
In the London Borough of Greenwich	
Land at rear of 51–53 (odd) Red Lion Lane, SE18	325
Land at Inverary Place Old Mill Road, SE18	370
Land adjacent to 31 Belford Grove, SE 18	75.6
In the London Borough of Islington	
Land in Hornsey Lane, N19	234
Land in Blackstock Road, N4	52
Three pieces of land at corner of Coleman Fields, N1	(a) (a) 6.93 (b) 12.8 (c) 13.4
Land in Upper Street, N1	66.4
Land in Half Moon Crescent, N1	46.4

<i>Description</i>	<i>Approximate area in square metres</i>
Land at corner of Geary Street and George's Road, N7	1.75
Land at corner of Playford Road and Lennox Street,	22.2
In the Royal Borough of Kensington and Chelsea	
Land in South Bolton Gardens, SW5	120.9
Two pieces of land at junction of Manresa Road and Kings Road, SW3	(a) (a) 90 (b) 236
In the London Borough of Lambeth	
Land in Elm Park, SW2	1005
Land in Claverdale Road, SW2	2377
Part of Spring Gardens, SE11	1138
Land at junction of Kennington Park Gardens and Otto Street, SE17	273.9
Land in Smedley Street, SW8	176.5
Two pieces of land in Park Hill, SW4	(a) (a) 19.5 (b) 11.9
Land in Argyll Close, SW9	74.6
Two pieces of land in Dorset Road, SW8	(a) (a) 7.6 (b) 2.1
Land at the rear of 7 Combermere Road, SW9	18.2
In the London Borough of Lewisham	
Land at the rear of 15–17 Thorpewood Avenue, SE26	198
In the London Borough of Merton	
Land in Cannon Hill Lane, SW20	885
In the London Borough of Southwark	
Land in Rolls Road and Marlborough Grove, SE1 fronting Everline Lowe Primary School	650
Land at corners of–	2.25
(a) (a) Goodrich Road and Upland Road and	
(b) (b) Goodrich Road and Dunstan's Road	1.65
Land at corner of Tower Bridge Road and Webb Street, SE1	34.2
Land in Unwin Close, SE15	67.2

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<i>Description</i>	<i>Approximate area in square metres</i>
Land in Kintore Way, SE10	123
Land in The Cut, SE1	226
Land in the Old Kent Road, fronting Southwark College, SE17	31.6
Five pieces of land at corners of Scott Lidgett School, SE16	(a) 4.95 (a) 3.99 (b) 7.00 (c) 5.40 (d) 4.50 (e) 4.50
Land at corner of Choumert Grove and Choumert Road, SE15	13.3
Land at corner of Shorncliffe Road and Albany Road, SE1	3.75
Land at corner of East Surrey Grove and Commercial Way, SE15	2.2
Land at corner of Cator Street and Commercial Way, SE15	6
Land in Bellenden Road, SE15	19.6
Land at corner of Long Lane and Crosby Row, SE1	74
Land in Long Lane, SE1	83
Land to rear of Comber Grove Primary School, SE5	33.2
Land at corner of Crawford Road and Morna Road, SE5	5.3
Land at corner of Morna Road and Valmer Road, SE5	5.2
Lane between Colmore Mews and Wood's Road, SE15	272
Land in highway south of Joseph Lancaster Primary School, SE1	197
Land at entrance to William Penn School, SE24	46.3
Land in Peckham Road, SE15	56
Land at corner of Bellenden Road and Ophir Terrace, SE15	2.1
Three pieces of land in Peckham High Street and Bellenden Road, SE15	(a) 92.3 (a) 104 (b) 85.8 (c) 85.8

In the London Borough of Tower Hamlets

<i>Description</i>	<i>Approximate area in square metres</i>
Land adjacent to Virginia Primary School, E2	29
Three pieces of land in Vaughan Way, E1	(a) (a) 125 (b) 37.9 (c) 47.3
Land in Back Church Lane, E1	9
Land at corner of Back Church Lane and Fairclough Street, E1	37.1
Land at corner of Fairclough Street and Henriques Street, E1	12.8
In the London Borough of	
Land in Este Road, SW11	593
Land at rear of 337–345 Battersea Park Road, SW11	255
Land in Ravenstone Street, SW12	14
Land at corner of Merton Road and Replingham Road, SW18	24.5
In the City of Westminster	
Land in Thorngate Road, W9	74
Land in Lupus Street, SW1	562
Land at corner of Bessborough Street and Bessborough Place, SW1	5.5
Land in Inverness Terrace and Porchester Gardens, W2	1213
Land adjacent to 262 Randolph Avenue, W9	40.5
Land in Monmouth Road, W2	474

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the transfer to specified London borough councils 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 III 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.

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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(1)). Certain specified land must be brought into educational use within a specified time or be sold (article 4(4) and (5)). The LRB is made responsible for enforcing such conditions (article 7).

Plans showing the land transferred pursuant to article 2 may be inspected during normal office hours at the offices of the London Residuary Body, Globe House, 4 Temple Place, London WC2R 3HP.