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STATUTORY INSTRUMENTS

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**1991 No. 497**

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

**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.

(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(1) ;
- (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(2) 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.

(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(3).

(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(4) or by the Education (Inner London Education Authority) (Property Transfer) (No. 2) Order 1990(5).

(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(6).

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(1) [S.I. 1986/148](#).  
(2) [S.I. 1990/419](#).  
(3) [S.I. 1991/184](#).  
(4) [S.I. 1990/124](#), amended by [S.I. 1990/313](#), [772](#).  
(5) [S.I. 1990/772](#).  
(6) [1975 c. 76](#).

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**Status:** This is the original version (as it was originally made).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

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(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