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STATUTORY INSTRUMENTS

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**1992 No. 437**

**EDUCATION, ENGLAND AND WALES**

**The Education (London Residuary Body)  
(Transfer of Functions and Property) Order 1992**

<i>Made</i>	- - - -	<i>28th February 1992</i>
<i>Laid before Parliament</i>		<i>6th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

Whereas the London Residuary Body, acting pursuant to section 187(2) of the Education Reform Act 1988<sup>(1)</sup>, has submitted proposals to the Secretary of State for effecting transfers of certain of its functions under Part III of that Act for the discharge of which provision will be required after 31st March 1993 and 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 180(4), 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) (Transfer of Functions and Property) Order 1992 and shall come into force on 1st April 1992.

(2) In this Order—

“the Horniman Conveyance” means an indenture dated 26th March 1901 and made between Frederick John Horniman and the County Council of the Administrative County of London;

“the Horniman Public Museum and Public Park Trust” means the charitable company limited by guarantee of that name whose registered office is at 100 London Road, Forest Hill, London SE23 3PQ;

“the LRB” means the London Residuary Body; and

“the transfer date” means 1st April 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.

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(1) 1988 c. 40.

## **Transfer of functions**

### **2. The functions of the LRB—**

- (a) as trustee of the trust created by the Horniman Conveyance as read with section 46 of the London County Council (General Powers) Act 1901(2);
- (b) under the said section 46 transferred to it by the Education (Inner London Education Authority) (Horniman and Geffrye Museums) (Transfer of Functions) Order 1990(3); and
- (c) under articles 7 to 11 and 13 of the Schedule to the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967(4), transferred to it by the Order referred to in paragraph (b) above, in so far as they relate to the land transferred pursuant to article 4(1) of this Order,

shall on the transfer date transfer to the Horniman Public Museum and Public Park Trust.

**3.—**(1) The Horniman Public Museum and Public Park Trust may, in respect of any open space transferred to it by this Order, make or amend byelaws in respect of it under subsection (1) of section 15 of the Open Spaces Act 1906(5) and the reference in that subsection to “any officer of the local authority” shall be taken as a reference to any employee of the Horniman Public Museum and Public Park Trust.

(2) Such byelaws shall be made under the seal of the Horniman Public Museum and Public Park Trust.

(3) Sections 236(4) to (8) and (11), 237 and 238 of the Local Government Act 1972(6) shall apply to byelaws which are to be made or which have been made by the Horniman Public Museum and Public Park Trust as they apply to byelaws made by a local authority and references in those sections to “the authority” shall be taken as references to the Horniman Public Museum and Public Park Trust.

(4) In this article “open space” has the same meaning as in the Open Spaces Act 1906.

## **Transfer of land etc.**

**4.—**(1) On the transfer date all interests, rights and liabilities of the LRB in the land specified in Part I of the Schedule to this Order shall vest in the Horniman Public Museum and Public Park Trust.

(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.

## **Records relating to land transferred**

**5.** On the transfer date all records held by the LRB relating exclusively to interests, rights and liabilities in land transferred by article 4 shall vest in the council or person to which such interests are so transferred.

## **Condition imposed on transfer**

**6.—**(1) Land transferred pursuant to article 4(1), other than that which was the subject of the Horniman Conveyance, 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.

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(2) 1901 c.cclxxii.

(3) S.I. 1990/362.

(4) 1967 c.xxix; articles 7 and 8 were amended by the Greater London Council (General Powers) Act 1984 (c.xxvii), section 6.

(5) 1906 c. 25.

(6) 1972 c. 70.

(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**

7.—(1) Where an interest in land vests by virtue of article 4 in any council or person, 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 or person.

(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 person 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 or person 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.

### **The Dolmetsch Collection**

8. On the transfer date the interests of the LRB in the items which form the collection known as the Dolmetsch Collection as identified in a list dated 5th August 1991 signed on behalf of the LRB and by the Director of the Horniman Museum shall vest in the Horniman Public Museum and Public Park Trust.

### **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 person ("the transferee") to which such matters are transferred.

(2) 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.

(3) This Order shall not affect any accrued rights and liabilities of the parties arising under an agreement made on 28th March 1991 between the LRB and the Horniman Public Museum and Public Park Trust nor the continuance in force of any provision of that agreement which is intended expressly or impliedly to continue in force after the expiry or termination of that agreement.

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### **Enforcement**

**10.** The LRB shall enforce, subject to any directions given by the Secretary of State, compliance with the conditions imposed by article 6 in relation to property transferred pursuant to article 4(1).

### **Revocation**

**11.** The Education (Inner London Education Authority) (Horniman and Geffrye Museums) (Transfer of Functions) Order 1990(7) is hereby revoked in so far as it applies to land transferred by article 4(1) of this Order.

28th February 1992

*Kenneth Clarke*  
Secretary of State for Education and Science

THE SCHEDULE

Article 4(1) and (2)

TRANSFER OF LAND

PART I

LAND TRANSFERRING TO THE HORNIMAN  
PUBLIC MUSEUM AND PUBLIC PARK TRUST

1. Horniman Museum, Horniman Gardens and the Horniman Museum Railway Nature Trail all at London Road, SE23 3PQ shown for identification purposes only edged black on Plan 1 (No. TQ3473/105 dated 7/2/91) annexed to the agreement made on 28th March 1991 between the LRB and the Horniman Public Museum and Public Park Trust.

2. Former Dreadnought School, Dreadnought Street, London SE10 (including the playground but excluding the playing fields) shown for identification purposes only edged black on Plan 2 (No. TQ3979/76 dated 7/2/91) annexed to the said agreement.

PART II

MINOR PROPERTIES

Description	Approximate area in square metres
London Borough of Camden	
Land at corner of Plender Street and Plender Place, NW1	20.5
Land in Bayham Place, NW1	10.7
London Borough of Greenwich	
Land in Pelton Road, SE10	34.8
London Borough of Hammersmith and Fulham	
Land in Osman Road, W6	270.7
London Borough of Islington	
Land in former Pickering Street, N1	1.25
Land in Laycock Street, N1	383
Two pieces of land adjacent to Mount Carmel School in	(a) (a) 496
(a) former Scholefield Road and	
(b) (b) Buxton Road, N19	(b) (b) 26.4
Land in Sans Walk, EC1	103
Land at corner of Featherstone Street and Bunhill Row, EC1	244
London Borough of Tower Hamlets	
Land near former Allas Road, E2	4.3

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Description	Approximate area in square metres
Land in Rainhill Way, E3	15
Two pieces of land in Elsdon Mews, E2	(a) (a) 4.1 (b) 2.2
Land adjacent to Elizabeth Lansbury Nursery School	750
Land adjacent to Susan Lawrence Primary School at corner of Ricardo Street and Kerbey Street, E14	82.1
London Borough of Wandsworth	
Land in Wisley Road, SW11	111
City of Westminster	
Strips of land adjacent to Edward Wilson Primary School–	
(a) (a) opposite Westbourne Green and	(a) (a) 352.5
(b) (b) in Senior Street, W2	(b) (b) 4.5

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the transfer to specified inner London borough councils and to the Horniman Public Museum and Public Park Trust 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.

Certain land transferred pursuant to article 4(1) may not be disposed of within 20 years without the consent in writing of the Secretary of State (article 6). The LRB is made responsible for enforcing such condition (article 10).

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

Certain functions, including the LRB’s functions as trustee under the Horniman Conveyance defined in the Order, are transferred to the Horniman Public Museum and Public Park Trust which is a charitable company limited by guarantee. It is also given the power to make or amend byelaws under section 15(1) of the Open Spaces Act 1906 in respect of any open space transferred to it by this Order.

The interests of the LRB in the Dolmetsch Collection of musical instruments are transferred to the Horniman Public Museum and Public Park Trust.

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The list of the Dolmetsch Collection referred to in article 8 and the agreement between the London Residuary Body and the Horniman Public Museum and Public Park Trust referred to in article 9(3) and in Part I of the Schedule may be inspected during opening hours at the Horniman Museum, London Road, SE23 3PQ and at the office of the LRB referred to above.

The Horniman Conveyance is set out in Schedule 3 to the London County Council (General Powers) Act 1901 ([1901 c.cclxxii](#)).

The Education (Inner London Education Authority) (Horniman and Geffrye Museums) (Transfer of Functions) Order 1990 is revoked in so far as it applies to land transferred by article 4(1).