
STATUTORY INSTRUMENTS

1992 No. 587

**EDUCATION, ENGLAND AND WALES
LONDON GOVERNMENT**

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

<i>Made</i>	- - - -	<i>9th March 1992</i>
<i>Laid before Parliament</i>		<i>10th 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⁽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 London Residuary Body, acting pursuant to section 67(1)(a) and (2) of the Local Government Act 1985⁽²⁾, has submitted proposals to the Secretary of State for the transfer of certain functions, property, rights and liabilities to local authorities;

And whereas the Secretary of State has decided to give effect to those proposals in both cases 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 sections 67(3), 100(2) and (4) and 101 of the Local Government Act 1985, and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Education (London Residuary Body) (Property Transfer) Order 1992 and shall come into force on 1st April 1992.

Interpretation

2.—(1) In this Order—

“Bromley” means the council of the London Borough of Bromley;

(1) 1988 c. 40.
(2) 1985 c. 51.

“the Common Council” means the Common Council of the City of London in their capacity as a local authority;

“expenditure” in relation to Bromley or Kensington and Chelsea includes administration expenses properly incurred by them;

“Globe House” means Globe House, 4 Temple Place, London WC2R 3HP;

“greater London council” means a council of a London borough;

“inner London council” means a council of an inner London borough;

“Kensington and Chelsea” means the council of the Royal Borough of Kensington and Chelsea;

“the LRB” means the London Residuary Body;

“Manresa House” means Manresa House, Roehampton;

“the Riverside Walk and Open Space in Upper Ground” means all lands shown within the black verge indicated by the letter “C” on Plan No. 3080/698 titled “Plan referred to in the Education (London Residuary Body) (Property Transfer) Order 1992”;

“the South Bank property” means all lands shown within the black verge indicated by the letter “A” on the said Plan No. 3080/698; and

“the transfer date” means 1st April 1992.

(2) For the purposes of any provision of this Order which requires the payment or recovery of sums by Kensington and Chelsea in the appropriate proportions—

- (a) the appropriate proportion in relation to any council is the proportion equal to the proportion which that council’s school population bears to the total school population of the inner London councils and the Common Council; and
- (b) school population in relation to an inner London council or the Common Council means the population of children of compulsory school age shown in the most recent returns to the Department of Education and Science available when the payment in question falls due or, in the case of a sum to be recovered, when that sum first becomes recoverable.

(3) For the purpose of any provision of this Order which requires the payment or recovery by Bromley of sums in the appropriate proportions—

- (a) the appropriate proportion in relation to any council is the proportion equal to the proportion which the population of the area of that council bears to the population of Greater London; and
- (b) the population of an area means its relevant population as calculated in accordance with section 69 of the Local Government Finance Act 1988(3).

(4) Unless the context otherwise requires any reference in this Order to—

- (a) a numbered article or Schedule is a reference to the article or Schedule to this Order so numbered; and
- (b) a numbered paragraph is a reference to the paragraph so numbered in the article or Schedule in which the reference appears.

Transfer of land

3.—(1) Subject to paragraphs (2), (3), (5) and (7) and article 4, on the transfer date—

- (a) all interests of the LRB in the land specified in Schedule 1 shall vest in Kensington and Chelsea;

(3) 1988 c. 41; section 69 was amended by the Local Government and Housing Act 1989 (c. 42), Schedule 5, paragraphs 50 and 79(3).

- (b) all interests of the LRB in the land specified in Schedule 2 shall vest in Bromley;
 - (c) all interests of the LRB in the land specified in column (1) of Schedule 3 shall vest in the council specified in column (2) of that Schedule; and
 - (d) all interests of the LRB in all other land shall vest in the greater London council in whose area the land is situated or, if the land is situated in their area, the Common Council.
- (2) The interests of the LRB in the South Bank property, the Riverside Walk and Open Space in Upper Ground, Globe House, Manresa House, the former Rachel MacMillan College, Creek Road, SE8 and in land the subject of the Education (London Residuary Body) (Transfer of Functions and Property) Order 1992(4) shall not transfer under paragraph (1).
- (3) Subject to paragraph (5), the interests of the LRB in land which it holds for charitable purposes shall not transfer under paragraph (1).
- (4) Subject to paragraph (6), all rights and liabilities of the LRB in, or acquired or incurred in relation to or in connection with, land transferred by paragraph (1) shall vest on the transfer date in the council to which such land is so transferred.
- (5) The vesting in the Council of the London Borough of Lambeth effected by paragraph (1) of the land adjoining the Beaufoy Institute, 39 Black Prince Road, SE1 shall include the rights in fee simple over the property registered at H.M. Land Registry under Title No. 79312 set out in Part I of Schedule 4 and shall except and reserve in fee simple for the benefit of that property the rights set out in Part II of that Schedule.
- (6) The LRB shall remain entitled to any refund of rates payable in relation to any land referred to in paragraph (1) for any period prior to 1st April 1990 and may continue any appeal in respect of any assessment in respect of any such period.
- (7) Paragraph (1) shall not operate so as to vest in the relevant transferee any interest of the LRB arising pursuant to—
- (a) any covenants, including any security for enforcing the same, given in favour of the LRB or its predecessors in title under sections 155 and 156 of the Housing Act 1985 (repayment of discount on early disposal of dwelling-house)(5); or
 - (b) any other covenants (whether restrictive or positive), including any security for enforcing the same, given in favour of the LRB or its predecessors in title where such covenants were—
 - (i) not expressed to be given for the benefit or protection of any land which is transferred pursuant to paragraph (1), or
 - (ii) contained in a lease and provided in whatever terms for any capital sum to be payable in connection with any development or change of use of the land.

Conditions on Transfer

4.—(1) Land transferred to Kensington and Chelsea pursuant to article 3(1)(a), except the former Mayfield School, West Hill, SW15, or to Bromley pursuant to article 3(1)(b) is subject to the condition that it be disposed of as soon as reasonably practicable.

(2) Subject to paragraph (4), land transferred pursuant to article 3(1)(c) 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.

(4) S.I. 1992/437.

(5) 1985 c. 68; sections 155 and 156 were amended by the Housing and Planning Act 1986 (c. 63), section 2(3) and Schedule 5, Part I, paragraph 1(2) and (5) and the Housing Act 1988 (c. 50), Schedule 17, Part I, paragraph 41 and Part II, paragraph 106.

(3) In giving his consent under paragraph (2) 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 inner London councils and the Common Council.

(4) Paragraph (2) does not apply to a disposal required by paragraph (9) or (10).

(5) Land marked with an asterisk in Schedule 3 is transferred subject to the condition that by 1st April 1995 it is brought into use wholly or mainly for the purposes of the transferee council's functions as the local education authority for their area.

(6) The former Shoreditch School and Site, Falkirk Street, N1, the former Shoreditch School Site Extension, 77, Kingsland Street/1a, Redvers Street, E2 and the former Henry Thornton Secondary School, 45, Clapham Common South Side, SW4 are each transferred subject to the condition that by 1st April 1995 they be brought into use wholly or mainly for the purposes of an institution for the full-time education of persons over compulsory school age who have not attained the age of nineteen years.

(7) The former Wandsworth Boys' Secondary School, Sutherland Grove, SW18 is transferred subject to the condition that it is to be brought into use by 1st April 1995 as the site for a new school established under section 12 or 13 of the Education Act 1980⁽⁶⁾ or as the site for a school transferring to that site under section 16 of the Education Act 1944⁽⁷⁾.

(8) The former Eltringham School Site, SW18 is transferred subject to the condition that it is to be brought into use by 1st April 1995 as a transport depot for the purposes of the transferee council's duties under section 55(1) of the Education Act 1944⁽⁸⁾ (provision of transport and other facilities).

(9) Land which is not brought into use in accordance with paragraphs (5), (6), (7) and (8) is to be disposed of as soon as reasonably practicable and the proceeds of sale after deduction therefrom of a sum equal to the aggregate amount of any capital expenditure incurred since 1st April 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 inner London councils and the Common Council 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.

(10) The Hackney Sixth Form Centre, Cassland Road, E9 is transferred subject to the condition that if the former Shoreditch School and Site is brought into use as specified in paragraph (6) the said Centre shall be disposed of and the proceeds of sale dealt with as required by paragraph (9).

Records relating to land transferred

5.—(1) Subject to paragraph (2), on the transfer date all records held by the LRB relating exclusively to interests, rights and liabilities in land transferred by article 3 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 3(6).

General transfer of property other than land

6.—(1) Where an interest in land vests by virtue of article 3 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) applies—

⁽⁶⁾ 1980 c. 20.

⁽⁷⁾ 1944 c. 31.

⁽⁸⁾ Section 55(1) was amended by the Education Reform Act 1988 (c. 40), Schedule 12, Part III, paragraph 55(2).

- (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,

(3) The reference in paragraph (1) 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 the Inner London Education Authority in any registration book or other document issued in respect of such a vehicle shall have effect as a reference to the transferee.

Apportionment of receipts and expenditure of Kensington and Chelsea

7.—(1) All sums realised by Kensington and Chelsea in consequence of the transfer by article 3(1)(a) of any property or rights shall after deduction of any expenditure attributable to such property and rights ("relevant expenditure") be apportioned among the inner London councils and the Common Council in the appropriate proportions; and Kensington and Chelsea shall, not later than the end of the financial year in which such sums are received, pay the appropriate proportion to each of the other inner London councils and the Common Council and shall retain the balance.

(2) If in any financial year the aggregate in that year of the sums referred to in paragraph (1) is insufficient to meet any relevant expenditure of Kensington and Chelsea for that year, the expenditure shall, to the extent that it is not met from the aggregate, be apportioned among the inner London councils and the Common Council; and the appropriate proportion shall be recoverable by Kensington and Chelsea from each of the other inner London councils and the Common Council.

Apportionment of receipts and expenditure of Bromley

8.—(1) All sums realised by Bromley in consequence of the transfer by article 3(1)(b) of any property or rights shall after deduction of any expenditure attributable to such property and rights ("relevant expenditure") be apportioned among the greater London councils and the Common Council in the appropriate proportions; and Bromley shall, not later than the end of the financial year in which such sums are received, pay the appropriate proportion to each of the other greater London councils and the Common Council and shall retain the balance.

(2) If in any financial year the aggregate in that year of the sums referred to in paragraph (1) is insufficient to meet any relevant expenditure of Bromley for that year, the expenditure shall, to the extent that it is not met from the aggregate, be apportioned among the greater London councils and the Common Council; and the appropriate proportion shall be recoverable by Bromley from each of the other greater London councils and the Common Council.

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 ("the 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 3(6) 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

10. The LRB shall enforce, subject to any directions given by the Secretary of State, compliance with the conditions imposed by article 4.

Disputes

11. In the event of a dispute between any councils (including the Common Council) as to the amount of any sum payable or expenditure recoverable by Kensington and Chelsea or Bromley pursuant to this Order, the matter shall be determined by an arbitrator appointed by the Secretary of State; and section 31 of the Arbitration Act 1950⁽⁹⁾ shall have effect in relation to the arbitration as if it were an arbitration to which that section applies.

9th March 1992

Kenneth Clarke
Secretary of State for Education and Science

⁽⁹⁾ 1950 c. 27; section 31 was repealed in part by the Arbitration Act 1975 (c. 3), section 8(2), and amended by the Arbitration Act 1979 (c. 42), section 7(1).

SCHEDULE 1

Article 3(1)(a)

TRANSFER OF LAND TO KENSINGTON & CHELSEA

Description

Greenwich

Former South East London Boys' School, (but not including land to the west of the former school buildings) Creek Road, SE8 3BU

Islington

George Orwell Secondary School Annexe, Highgate Hill, N19 5NS

Former St William of York Lower School, Gifford Street, N1 0DE

Lewisham

1.82 acres of land at the junction of Plassy Road and Sangley Road, SE6

Southwark

Old Paragon School, Searles Road, SE5 4YU

Wandsworth

Land at the corner of Balham High Road, SW17

Former Mayfield School, West Hill, SW15

2—4, Ponton Road, SW8

Westminster

2nd Floor Mappin House, 4, Winsley Street, W1

Former St James the Less CE Primary School Site Extension, 2, 4 & 6, Moreton Street and adjoining land, SW1

Westminster Area Youth Office, First Floor, 34, Porchester Road, W2

Property outside the area of the former Inner London Education Authority

Heathlands School, 56, Parkside, Wimbledon, SW19

4391 square metres of land at the junction of Pinkham Way and Colney Hatch Lane, Barnet

Morden Park Sports Centre, 49, Links Avenue, Morden, Surrey

Former Woolverstone Primary School, Woolverstone, Suffolk

29, Main Road, Woolverstone, Suffolk

14065 square metres of land forming part of the grounds of Hatchford Park School, Surrey, made up of the plot of land shown edged in black and shaded on Plan No. R1378/5/971 prepared for the Department of Transport, South East Regional Office, Dorking and the plots of land numbered 3/7, 3/7S, 3/8 and 3/8S on Plan No. 425B/5/925/1 prepared for the Chief Engineer, S.E.R.C.U., 28—30, High Street, Guildford, Surrey.

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SCHEDULE 2

Article 3(1)(b)

TRANSFER OF LAND TO BROMLEY

Description
Haringey
Tottenham Hale Supplies Depot, Millmead Road, N17
Former Pumping Station, Brograve Road, N17
Lambeth
22, Miles Street, SW8
Hungerford Arches Car Park, Belvedere Road and Part Queen's Walk, SE1 being all lands shown within the black verge indicated by the letter "B" on Plan No. 3080/698 titled "Plan referred to in the Education (London Residuary Body) (Property Transfer) Order 1992"
Southwark
Castle Works, Oswin Street, SE11

SCHEDULE 3

Article 3(1)(c)

TRANSFER OF LAND TO SPECIFIED COUNCILS

1Description	2Transferring to
Hackney Sixth Form Centre, Cassland Road, E9	Council of the London Borough of Hackney
Former Shoreditch School and Site, (including 78/80, Hoxton Street, N1) Falkirk Street, N1	
Former Shoreditch School Site Extension, 77, Kingsland Street/1a, Redvers Street, E2	
*St Francis RC School Site Extension, 128—136, St Anne's Road and 30, Stoneleigh Street, W11	Council of the London Borough of Kensington and Chelsea
Land adjoining 63, Christchurch Street, SW3	
Former Henry Thornton Secondary School, 45, Clapham Common South Side, SW4	Council of the London Borough of Lambeth
Land adjoining the Beaufoy Institute, 39, Black Prince Road SE1, to the extent comprised within Land Registry Title Nos. SGL 237901, 192822 and 239853	
Land to the south of Waterloo Bridge, SE1, being all lands shown within the black verge indicated by the letter "D" on Plan No. 3080/698 titled "Plan referred to in the Education (London Residuary Body) (Property Transfer) Order 1992"	

1Description	2Transferring to
*Old Palace School Site Extension, corner Edgar Road/Bruce Road, E3	Council of the London Borough of Tower Hamlets
*Former Pritchard's Road Primary School, Pritchard's Road, E2 and 60,68, 70, 72, 74, 76 and 82, Pritchard's Road, E2	
*Seven Mills School Annexe Extension, land to east of school site,E14	
*Land in Limehouse Causeway, E14	
*Gideon Special School, Gideon Road, SW11 Former Eltringham School Site, SW18 Former Wandsworth Boys' Secondary School, Sutherland Grove, SW18	Council of the London Borough of Wandsworth

SCHEDULE 4

Article 3(5)

GRANT AND EXCEPTION AND RESERVATION OF RIGHTS

PART I

Rights granted with the land adjoining the Beaufoy Institutetransferred by article 3(1) being the property registered at H.M. LandRegistry with Title Numbers SGL237901, 192822 and 239853 (“the Transferred Land”).

1. The right to the free and uninterrupted passage of water, soil, gasand electricity and any other services (“the Services”) through any sewers, pipes, drains, cables and wires or any otherchannels or conductors (“the Conduits”) which are laid at the transfer date in or through the propertyregistered at H.M. Land Registry with Title Number 79312 (“the Retained Property”).

2. The right with workmen and others and with or without equipment andmaterials at all reasonable times upon giving previous written notice(save in case of emergency) to enter into and upon the Retained Propertyfor the purpose of constructing, repairing, cleansing, maintaining,replacing or renewing any such Conduits and making connections theretoand for the purpose (in so far as such works cannot be carried out fromwithin the Transferred Land) of maintaining and repairing any buildingsssituated at the transfer date upon the Transferred Land subject to thepersons so entering causing as little damage as reasonably possible andmaking good as soon as reasonably possible any damage caused.

3. The right to such support as is enjoyed at the transfer date by thebuildings situated on the Transferred Land from the buildings situatedat the Retained Property.

PART II

Rights excepted and reserved from the Transferred Land for thebenefit of the Retained Property.

1. The right to the free and uninterrupted passage of the Servicethrough any Conduits which are at the transfer date laid in or throughthe Transferred Land.

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2. The right with workmen and others and with or without equipment and materials at all reasonable times upon giving previous written notice (save in case of emergency) to enter into and upon the Transferred Land for the purpose of constructing, repairing, cleansing, maintaining, replacing or renewing any such Conduits and making connections thereto and for the purpose (in so far as such works cannot be carried out from within the Retained Property) of maintaining and repairing any buildings situated at the transfer date at the Retained Property subject to the persons so entering causing as little damage as reasonably possible and making good as soon as reasonably possible any damage caused.

3. The right to such support as is enjoyed at the transfer date by the building situated at the Retained Property from the buildings situated on the Transferred Land.

4. The right of escape in the event of fire or other emergency from the Retained Property through such paths or other openings situated on the Transferred Land as exist at the transfer date.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the transfer to specified inner 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.

The Order also makes provision for the transfer to the councils of the London Boroughs of Bromley and Lambeth of certain property giving effect to proposals submitted to the Secretary of State by the LRB acting pursuant to section 67(1)(a) and (2) of the Local Government Act 1985.

Land transferred pursuant to article 3(1)(c) may not be disposed of within 20 years without the consent in writing of the Secretary of State (article 4(2)). Certain specified land must be brought into educational use within a specified time or be sold (article 4(5) to (10)). The LRB is made responsible for enforcing such conditions (article 10).

Plans showing the land transferred pursuant to article 3 may be inspected during normal office hours as follows—

land transferring to the Royal Borough of Kensington and Chelsea—at the Town Hall, Hornton Street, London W8 7NX;

land transferring to the London Borough of Bromley—at the Valuation and Estates Division, Bromley Civic Centre, Stockwell Close, Bromley, BR1 3UH;

the South Bank property (which includes County Hall and Jubilee Gardens), the Riverside Walk and Open Space in Upper Ground, the land listed in Schedule 2 and the land to the south of Waterloo Bridge, SE1 described in Schedule 3—at the Department of the Environment, 2 Marsham Street, London SW1P 3EB;

all land—at the offices of the London Residuary Body, Globe House, 4 Temple Place, London WC2R 3HP.

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