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STATUTORY INSTRUMENTS

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**1996 No. 557**

**EDUCATION, ENGLAND AND WALES**

**The London Residuary Body (Winding Up) Order 1996**

<i>Made</i>	- - - -	<i>4th March 1996</i>
<i>Laid before Parliament</i>		<i>8th March 1996</i>
<i>Coming into force</i>	- -	<i>29th March 1996</i>

Whereas the London Residuary Body, acting pursuant to section 187(4) of the Education Reform Act 1988(1), has submitted to the Secretary of State a scheme for its winding up and the disposal of its remaining functions, property, rights and liabilities;

And whereas the Secretary of State has decided to give further effect to that scheme with modifications(2);

Now, therefore, the Secretary of State in exercise of the powers conferred on him by sections 187(5)(b), 187(7), 231(2) and 232(5) of that Act, 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 London Residuary Body (Winding Up) Order 1996 and shall come into force on 29th March 1996.

(2) In this Order—

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

“the Common Council” means the Common Council of the City of London;

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

“the local council” means the council of a London borough;

“the Residuary Body” means the London Residuary Body.

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

(a) the appropriate proportion in relation to any council in any financial year is the proportion which the council tax base of that council for that financial year bears to the council tax base of all the local councils and the Common Council; and

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(1) 1988 c. 40.

(2) The scheme was given partial effect by S.I.1992/2257.

- (b) the council tax base of a council for a financial year is the amount calculated by that council as its council tax base for the year in accordance with the rules for the time being effective (as regards that year) under regulations made under section 33(5) of the Local Government Finance Act 1992<sup>(3)</sup>

## Accounts

### 2. Any function under—

- (a) section 78 or 79 of the Local Government Act 1985<sup>(4)</sup>; or  
 (b) Part III of the Local Government Finance Act 1982<sup>(5)</sup>

which would, but for this Order, have fallen to be discharged on or after 29th March 1996 by the Residuary Body shall be discharged by Kensington and Chelsea.

## Winding Up

3. On the 29th March 1996 The Residuary Body shall be wound up and on that date all remaining functions, property, rights and liabilities shall transfer to and vest in Bromley.

## Apportionment

4.—(1) All sums received by Bromley in consequence of the transfer by article 3 of any property or rights shall, after deduction of any relevant expenditure and after setting aside from such monies such amount, if any, as Bromley estimates to be required for future such expenditure, be apportioned among the local councils and the Common Council in the appropriate proportions; and Bromley shall not later than the end of three months after the end of the financial year in which such sums are received, pay the appropriate proportion to each of the other local 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, that expenditure shall, to the extent that it is not met from the aggregate or from monies previously set aside, be apportioned among the local councils and the Common Council; and the appropriate proportion shall be recoverable by Bromley from each of the other local councils and the Common Council.

(3) Any relevant expenditure of Kensington and Chelsea in any financial year shall be apportioned among the local councils and the Common Council; and the appropriate proportion shall be recoverable by Kensington and Chelsea from each of the other local councils and the Common Council.

(4) Any part of the appropriate proportion paid to the local councils and the Common Council and the balance retained by Bromley pursuant to paragraph (1) which is attributable to the disposal of the whole or any part of County Hall shall be treated as a capital receipt for the purposes of Part IV of the Local Government and Housing Act 1989<sup>(6)</sup>

### (5) In this article—

“County Hall” means the land and buildings previously owned by the Greater London Council and known as the Main Building, the North Block, the South Block and the Island Block, the site of the former Addington Street Annexe, all ancillary service areas and car parks; and

“relevant expenditure” means expenditure attributable to this Order.

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(3) 1992 c. 14.

(4) 1985 c. 51.

(5) 1982 c. 32.

(6) 1989 c. 42.

### **Continuity of the exercise of functions**

5.—(1) Anything done by or in relation to (or having effect as if done by or in relation to) the Residuary Body in the exercise of or in connection with a function which by virtue of this Order becomes the function of Bromley or of Kensington and Chelsea shall so far as is required for continuing its effect on and after 29th March 1996 have effect as if done by or in relation to Bromley or Kensington and Chelsea, as the case may be.

(2) Without prejudice to the generality of paragraph (1), that paragraph applies to the making of any application, decision or determination, to the giving of any notice, to the entering into of any agreement or other instrument, and to the bringing of any action or proceeding.

(3) Any pending action or proceeding may be amended in such a manner as may be appropriate in consequence of this Order.

### **Complaints of maladministration by Residuary Body**

6.—(1) The Parliamentary Commissioner may investigate or, as the case may be, continue to investigate a complaint of maladministration by the Residuary Body arising in relation to any functions, property, rights or liabilities transferred by this Order.

(2) In relation to any such investigation begun or continued on or after 29th March 1996, the Parliamentary Commissioner Act 1967(7) shall apply as if for any reference to the proper officer of the Residuary Body there were substituted—

- (a) if the complaint related to a function which, by virtue of this Order, becomes a function of Kensington and Chelsea, a reference to the proper officer of Kensington and Chelsea; or
- (b) in any other case, a reference to the proper officer of Bromley.

### **Disputes**

7. In the event of a dispute between any councils as to the amount of any sum payable or expenditure recoverable by Bromley or by Kensington and Chelsea 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(8) shall have effect in relation to the arbitration as if it were an arbitration to which that section applies.

Signed by authority of the Secretary of State

Department of the Environment  
4th March 1996

*Paul Beresford*  
Parliamentary Under Secretary of State,

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(7) 1967 c. 13 applied to residuary bodies by paragraph 11 of Schedule 13 to the Local Government Act 1985.

(8) 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).

**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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## EXPLANATORY NOTE

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

This Order gives further effect to a scheme submitted by the London Residuary Body (“the LRB”) for its winding up and the disposal of its remaining functions, property, rights and liabilities. Article 2 confers on the Royal Borough of Kensington and Chelsea the Residuary Body’s remaining functions in relation to its accounts. Article 3 provides for the winding up of the LRB and the transfer of all remaining functions, property, rights and liabilities to Bromley. Article 4 makes provision for apportioning among the London borough councils and the Common Council any sums received or paid by Bromley or by Kensington and Chelsea. Article 5 provides for continuity in the exercise of functions. Article 6 provides for the handling of complaints of maladministration on the part of the LRB and article 7 for the determination of disputes.