
STATUTORY INSTRUMENTS

1997 No. 1990

**The Education (London Residuary Body)
(Suspense Account Properties) Order 1997**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Education (London Residuary Body) (Suspense Account Properties) Order 1997 and shall come into force on 31st August 1997.

(2) In this Order—

- (a) a reference to a Property Transfer Order is a reference to one of the orders listed in Schedule 1 to this Order;
- (b) “Kensington and Chelsea” means the council of the Royal Borough of Kensington and Chelsea;
- (c) “LRB” means the London Residuary Body; and
- (d) “maintenance” includes all matters connected with the maintenance of the property including heating, lighting, cleaning, security and general management and the payment of rates and insurance.

Payment of costs of repair and maintenance

2.—(1) A council or body listed in column (1) of Schedule 2 to this Order, being a council or body to which property has been transferred pursuant to a Property Transfer Order or pursuant to such an Order and subsequently pursuant to section 23 of the Further and Higher Education Act 1992(1), shall, subject to paragraph (3) below, make the payment to Kensington and Chelsea, pursuant to this Order, referred to in paragraph (2) below.

(2) The payment referred to in paragraph (1) above is the payment of the sum, set out in column (4) of that Schedule, opposite the entry for that council or body, in respect of the liabilities incurred by the LRB (pursuant to various directions issued by the Secretary of State under section 183 of the Education Reform Act 1988) on the repair and maintenance of the property prior to the date on which it was transferred pursuant to a Property Transfer Order, (which property and the number of the relevant Property Transfer Order are listed opposite the entry for that council or body in columns (2) and (3) respectively of that Schedule).

(3) The sums set out in column (5) of Schedule 2 to this Order represent sums already paid to the LRB or Kensington and Chelsea by a council or body listed in column (1) of that Schedule in respect of the costs of the repair and maintenance of the property listed in column (2) of that Schedule and that payment shall be deemed to satisfy both the obligation of that council or body to pay under paragraph (1) above and any pre-existing obligation to pay that same amount (either in total or pro rata according to the amount so paid).

Time for payment

3.—(1) Subject to paragraph (2) below, a sum payable by a council or body listed in column (1) of Schedule 2 to this Order in respect of the liabilities incurred by the LRB on the repair and maintenance of the property listed in column (2) of that Schedule shall be paid within 28 days after the coming into force of this Order and if it is not so paid, whether pursuant to regulation 2(1) above or pursuant to a pre-existing obligation, interest shall be payable thereon at the annual rate of 1% above the base rate from time to time of National Westminster Bank plc. such interest to be calculated on a daily basis beginning on the day 28 days after the coming into force of this Order and ending on the day of payment, compounded every three months.

(2) The sum payable by the Hackney Community College Further Education Corporation shall be paid on or before 30th September 1997 or 28 days after the disposal of the property known as the Hackney Sixth Form Centre, Cassland Road, E9, whichever is the earlier, and if it is not so paid, whether pursuant to regulation 2(1) above or pursuant to a pre-existing obligation, interest shall be payable in accordance with paragraph (1) above beginning on 30th September or on the day 28 days after the disposal of the said property, whichever is the earlier.

Amendment

4.—(1) The Education (London Residuary Body) (Transfer of Functions and Property) (No. 2) Order 1992(2) shall be amended as follows.

(2) There shall be inserted after the definition of “the 1992 Order” in article 1(2) the following definition:

““the 1997 Order” means the Education (London Residuary Body) (Suspense Account Properties) Order 1997;”.

(3) In article 13(1) (apportionment of receipts and expenditure of Kensington and Chelsea)(3) for the word “and” in the third place where it occurs there shall be substituted a comma and after the word “1991” there shall be inserted the words “and all sums received by Kensington and Chelsea by virtue of the 1997 Order or otherwise received in respect of expenditure incurred by the LRB on the repair and maintenance (as defined in article 1(2)(d) of that Order) of the property referred to in column (2) of Schedule 2 to that Order”.

5. In Article 4(7) of the Education (London Residuary Body) (Property Transfer) Order 1992(4) (“the 1992 Order”) (which imposed a condition that the former Wandsworth Boys’ Secondary School, Sutherland Grove, SW18 should be brought into use by the Council of the London Borough of Wandsworth as the site for a new school established under section 35 or 41 of the Education Act 1996(5) or as the site for a school transferring to that site under section 35 or 47 of that Act by 1st September 1997(6) for “1st September 1997” there shall be substituted “1st September 1999”.

Tessa Blackstone
Minister of State,

Department for Education and Employment

13th August 1997

(2) [S.I. 1992/2257](#); amended by [S.I. 1994/580](#).
(3) Amended by [S.I. 1994/580](#).
(4) [S.I. 1992/587](#).
(5) [1996 c. 56](#).
(6) The date of 1st September 1997 was substituted by [S.I. 1995/627](#).