
STATUTORY INSTRUMENTS

1997 No. 1990

EDUCATION, ENGLAND AND WALES

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

<i>Made</i>	- - - -	<i>13th August 1997</i>
<i>Laid before Parliament</i>		<i>13th August 1997</i>
<i>Coming into force</i>	- -	<i>31st August 1997</i>

In exercise of the powers conferred on the Secretary of State by sections 187(5) and (6), 231(2) and 232(5) of the Education Reform Act 1988(1), and all other powers enabling him in that behalf, the Secretary of State for Education and Employment hereby makes the following Order:

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(2), shall, subject to paragraph (3) below, make the payment to Kensington and Chelsea, pursuant to this Order, referred to in paragraph (2) below.

(1) 1988 c. 40.
(2) 1992 c. 13.

(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⁽³⁾ 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)⁽⁴⁾ 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⁽⁵⁾ (“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

(3) [S.I. 1992/2257](#); amended by [S.I. 1994/580](#).

(4) Amended by [S.I. 1994/580](#).

(5) [S.I. 1992/587](#).

of Wandsworth as the site for a new school established under section 35 or 41 of the Education Act 1996⁽⁶⁾ or as the site for a school transferring to that site under section 35 or 47 of that Act by 1st September 1997⁽⁷⁾ for “1st September 1997” there shall be substituted “1st September 1999”.

13th August 1997

Tessa Blackstone
Minister of State,
Department for Education and Employment

⁽⁶⁾ 1996 c. 56.

⁽⁷⁾ The date of 1st September 1997 was substituted by S.I. 1995/627.

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SCHEDULE 1

Article 1(2)

Property Transfer Orders

The Education (London Residuary Body) (Property Transfer) Order 1991**(8)**.

The Education (London Residuary Body) (Property Transfer) (No. 2) Order 1991**(9)**.

The Education (London Residuary Body) (Property Transfer) (No. 3) Order 1991**(10)**.

The Education (London Residuary Body) (Property Transfer) (No. 4) Order 1991**(11)**.

The Education (London Residuary Body) (Property Transfer) Order 1992**(12)**.

SCHEDULE 2

Article 2

(1) <i>Council or body</i>	(2) <i>Property</i>	(3) <i>S.I.</i>	(4) <i>Cost of repair and maintenance (£)</i>	(5) <i>Amount paid (£)</i>
London Borough of Hackney	Former New River School, Clissold Road, N16	1991/2778	32,161.80	32,161.80
London Borough of Wandsworth	Former Wandsworth Boys' Secondary School, Sutherland Grove, SW18	1992/587	359,740.68	
	Former Eltringham School Site, SW18	1992/587	65,399.99	
	Gideon Special School, Gideon Road, SW11	1992/587	37,770.11	
	Sacred Heart School, Este Road, SW11	1991/497	1,427.27	1,427.27
	Former Mayfield School, West Hill, SW15	1991/497	523.69	523.69
London Borough of Greenwich	South East Bus Garage,	1991/497	20,588.60	20,588.60

(8) S.I. 1991/497.

(9) S.I. 1991/964.

(10) S.I. 1991/1787.

(11) S.I. 1991/2778 amended by S.I. 1994/3078.

(12) S.I. 1992/587, amended and modified by S.I. 1994/3105, 1995/627, 1995/1202, 1996/2082 and 1997/860.

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(1) <i>Council or body</i>	(2) <i>Property</i>	(3) <i>S.I.</i>	(4) <i>Cost of repair and maintenance (£)</i>	(5) <i>Amount paid (£)</i>
	Blackwall Lane, SE10			
	Riverside House West, Woolwich High Street, Greenwich, SE18	1991/964	103,500.00	103,500.00
	John Roan School Annex, Westcombe Park Road, SE3	1991/1787	3,325.86	3,325.86
	Greenwich Park Upper School Extension Site, King George Street, SE10	1991/2778	204.33	204.33
London Borough of Hammersmith and Fulham	Heathermount School, Devenish Road, Sunningdale Berkshire, SL5 9PL	1991/1787	52,294.43	52,294.43
London Borough of Islington	York Way Youth Club, York Way, N1	1991/2778	59,351.00	59,351.00
Royal Borough of Kensington and Chelsea	St Francis R.C. School Site Extension, 128– 136, St. Anne's Road and 30, Stoneleigh Street, W11	1992/587	19,823.36	19,823.36
London Borough of Lambeth	Former Henry Thornton Secondary School, 45, Clapham Common South Side, SW4	1992/587	352,671.17	352,671.17
London Borough of Tower Hamlets	Old Palace School Site Extension, Corner Edgar Road/ Bruce Road, E3	1992/587	726.09	726.09

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(1) <i>Council or body</i>	(2) <i>Property</i>	(3) <i>S.I.</i>	(4) <i>Cost of repair and maintenance (£)</i>	(5) <i>Amount paid (£)</i>
The City Literary Institute	City Literary Institute	1991/497	31,490.73	31,490.73
London Guildhall University	London College of Furniture	1991/497	137.34	137.34
Cordwainers College Association	Cordwainers Technical College	1991/497	71.15	71.15
Hackney Community College Further Education Corporation	Former Shoreditch School and Site, (including 78/80, Hoxton Street, N1) Falkirk Street, N1	1992/587	295,010.44	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in respect of the properties listed in Schedule 2 transferred to councils of inner London boroughs and other bodies as a result of the abolition of the Inner London Education Authority.

Such transfer will have been by virtue of an Order made under the Education Reform Act 1988 (c. 40) (“the 1988 Act”) or by virtue of such an Order and the operation of section 23 of the Further and Higher Education Act 1992 (c. 13) (transfer of property to further education corporations). This Order provides that the council or body to which such property has been transferred shall pay to the council of the Royal Borough of Kensington and Chelsea, as the body to whom all residual rights and liabilities of the London Residuary Body have been transferred, the cost of the repair and maintenance of that property incurred by the London Residuary Body prior to its transfer under the 1988 Act. The Order makes provision for payments that have already been made by the relevant council or body in respect of such cost.

The Order also amends and modifies the effect of the Education (London Residuary Body) (Property Transfer) Order 1992 (“the 1992 Order”). The 1992 Order transferred the former Wandsworth Boys’ Secondary School, Sutherland Grove, SW18 to the Council of the London Borough of Wandsworth subject to the condition that it be brought into use by 1st April 1995 (which date was later changed by order to 1st September 1997) as the site for a new school or as the site for a school transferring to that site. This Order substitutes a new date of 1st September 1999.

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