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STATUTORY INSTRUMENTS

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**1992 No. 437**

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

**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.

**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(1);

(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(2); 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(3), 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(4) 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.

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(1) 1901 c.cclxxii.

(2) S.I. 1990/362.

(3) 1967 c.xxix; articles 7 and 8 were amended by the [Greater London Council \(General Powers\) Act 1984 \(c.xxvii\)](#), section 6.

(4) 1906 c. 25.

(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<sup>(5)</sup> 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.

(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.

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(5) 1972 c. 70.

(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.

### **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(6) 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