



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART III **E+W**

#### EDUCATION IN INNER LONDON

##### *Reorganisation of provision of education in inner London*

#### <sup>F1</sup>162 Abolition of ILEA. **E+W**

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##### Textual Amendments

**F1** S. 162 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 4

#### 163 New local education authorities for areas in inner London. **E+W**

- (1) On the abolition date each inner London council shall become the local education authority for its area, and references to a local education authority in [<sup>F2</sup>the Education Act 1996] or in any other enactment shall be construed accordingly.
- (2) In this Part, “inner London council” means the council of an inner London borough or (in their capacity as a local authority) the Common Council of the City of London.

##### Textual Amendments

**F2** Words in s. 163(1) substituted (1.11.1996) by virtue of 1996 c. 56, ss. 582(1), 583, Sch. 37 Pt. 1 para.72 (with ss. 1(4), 561, 562, Sch. 39).

#### <sup>F3</sup>164 Extension of functions of London Residuary Body. **E+W**

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*Status: Point in time view as at 01/04/2008.*

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**Textual Amendments**

**F3** S. 164 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 4

*Disposal of functions and property of ILEA*

**F4** **165** Development plans for education. **E+W**

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**Textual Amendments**

**F4** S. 165 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 4

**F5** **166** ..... **E+W**

**Textual Amendments**

**F5** Ss. 166-167 repealed (1.9.1999) by 1998 c. 31, s. 140(3), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

**F6** **167** ..... **E+W**

**Textual Amendments**

**F6** Ss. 166-167 repealed (1.9.1999) by 1998 c. 31, s. 140(3), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

**168** Transfers of property, rights and liabilities. **E+W**

- (1) The Secretary of State may by an order or orders made at any time before the abolition date provide for the transfer to each inner London council of—
  - (a) such of the property, rights and liabilities of ILEA (other than excepted rights and liabilities) as, in his opinion, need to be so transferred for the purpose of enabling that council properly to perform its LEA functions; and
  - (b) such of the rights and liabilities of ILEA (other than excepted rights and liabilities) as, in his opinion, it is appropriate to transfer to that council for the purposes of or in connection with the exercise by that council by virtue of section 166 of this Act of functions in relation to, or in relation to registered pupils at, any grant-maintained school which were formerly exercisable by ILEA.
- (2) The Secretary of State may by such an order or orders provide for the transfer to any local authority other than an inner London council of such of the property, rights and liabilities of ILEA (other than excepted rights and liabilities) as do not in his opinion fall to be transferred to such a council by virtue of subsection (1) above.

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- (3) Any transfer for which provision is made by order under this section may be on such terms, including financial terms, as the Secretary of State thinks fit and the Secretary of State may by order create or impose such new rights or liabilities in respect of what is transferred as appear to him to be necessary or expedient.
- (4) The Secretary of State may by order confer on any inner London council or local authority to which property is transferred by or under the order any statutory functions which before the abolition date were exercisable in relation to that property by ILEA.
- (5) In this section “excepted rights and liabilities” means rights and liabilities arising under contracts of employment between ILEA and its employees.

**F7 169 Approval of management structure and senior appointments in initial period. E  
+W**

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**Textual Amendments**

**F7** S. 169 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#) Group 4

*Staff*

**170 Establishment and functions of staff commission. E+W**

- (1) The Secretary of State shall establish a staff commission for the purpose of—
  - (a) advising the Secretary of State on the steps necessary to safeguard the interests of the staff employed by relevant authorities so far as affected by any provision made by or under this Part;
  - (b) considering and keeping under review—
    - (i) the arrangements for the recruitment of staff by those authorities in consequence of any such provision; and
    - (ii) the arrangements for any transfer of the staff of those authorities in consequence of any such provision; and
  - (c) considering such staffing problems arising in consequence of, and such other matters relating to staff of any body affected by, any such provision as may be referred to the commission by the Secretary of State.
- (2) The Secretary of State may give directions to the staff commission as to their procedure and to any relevant authority with respect to—
  - (a) the implementation of any advice given by the commission; and
  - (b) the payment by a relevant authority of any expenses incurred by the commission in doing anything requested by the authority;and it shall be the duty of the commission and of a relevant authority to comply with any direction given to it under this subsection.
- (3) Any expenses incurred by the staff commission under this section and not recovered from a relevant authority shall be paid by the Secretary of State.
- (4) The relevant authorities for the purposes of this section are—
  - (a) ILEA and the inner London councils;

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- (b) the London Residuary Body; and
- (c) any local authority other than an inner London council to which functions or property of ILEA will be or have been transferred by order under section 168 of this Act.

**F8 171 Remuneration of employees. E+W**

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**Textual Amendments**

**F8** S. 171 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#) Group 4

**172 Power to transfer staff. E+W**

- (1) This section applies to any person who—
  - (a) immediately before the abolition date is in the service of ILEA under a contract of employment which would have continued but for the abolition of ILEA; and
  - (b) is designated for the purposes of this section by an order made by the Secretary of State.
- (2) The contract of employment between a person to whom this section applies and ILEA shall not be terminated by the abolition of ILEA but shall have effect as from the abolition date as if originally made between him and such successor authority (“the new employer”) as may be specified in relation to that person by the order designating him for the purposes of this section.
- (3) Without prejudice to subsection (2) above—
  - (a) all ILEA’s rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this section be transferred on the abolition date to the new employer; and
  - (b) anything done before that date by or in relation to ILEA in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the new employer.
- (4) Subsections (2) and (3) above are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this section.
- (5) An order under this section may designate a person either individually or as a member of a class or description of employees.
- (6) In this section “successor authority” means—
  - (a) an inner London council;
  - (b) the London Residuary Body; and
  - (c) any local authority other than an inner London council to which functions or property of ILEA are transferred by order under section 168 of this Act.

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**173 Compensation for loss of employment or loss or diminution of emoluments. E**  
**+W**

- (1) This section applies to any person who suffers loss of employment or loss or diminution of emoluments which—
  - (a) is attributable to any provision made by or under this Part; and
  - (b) occurs in the circumstances mentioned in subsection (2) below.
- (2) Those circumstances are—
  - (a) in the case of loss of employment, the employment in question is employment with ILEA or the London Residuary Body and the loss is suffered on or after the abolition date; and
  - (b) in the case of loss or diminution of emoluments, the loss or diminution arises from the termination of the employment of the person concerned with ILEA or that Body and is suffered on or after such date as may be specified in regulations made for the purposes of this section under section 24 of the <sup>M1</sup>Superannuation Act 1972 (“compensation regulations”).
- (3) Compensation in respect of any such loss or diminution suffered by a person to whom this section applies shall, subject to subsection (4) below, be paid only in accordance with compensation regulations; and accordingly neither ILEA nor the London Residuary Body shall pay any such compensation under any other statutory provision, by virtue of any provision in a contract or otherwise.
- (4) Subsection (3) above shall not preclude the making of any payment to which a person is entitled by virtue of contractual rights acquired by him before 21st November 1987.
- (5) Compensation regulations shall not provide compensation for a person to whom this section applies in respect of any such loss or diminution as is mentioned in subsection (1) above so far as attributable to the termination on or before the abolition date of a contract made after 17th February 1988 which provides for the employment of that person for a fixed term extending beyond the abolition date.
- <sup>F9</sup>(6) .....
- (7) <sup>F10</sup> . . . , nothing in this section shall be construed as affecting any entitlement to <sup>F10</sup> . . . any payment by virtue of any provision of the Act of 1972 mentioned above other than section 24.

**Textual Amendments**

**F9** S. 173(6) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt.I** (with ss. 191-195, 202).

**F10** Words in s. 173(7) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt.I** (with ss. 191-195, 202).

**Marginal Citations**

**M1** 1972 c. 11.

**174 Continuity of employment in certain cases of voluntary transfer. E+W**

- (1) This section applies to a person who at any time on or after such date as may be specified by order made by the Secretary of State ceases to be employed by ILEA or the London Residuary Body (his “former employer”) if—

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- (a) the termination of his employment is attributable to any provision made by or under this Part;
  - (b) he is subsequently employed by another person (his “new employer”); and
  - (c) by virtue of section 84, 94 or 95 of the <sup>M2</sup>Employment Protection (Consolidation) Act 1978 (renewal or re-engagement) that subsequent employment precludes his receiving any redundancy payment under Part VI of that Act.
- (2) Where this section applies to a person [<sup>F11</sup>Chapter I of Part XIV of the Employment Rights Act 1996] (computation of period of employment for the purposes of that Act) shall have effect in relation to that person as if it included the following provisions, that is to say—
- (a) the period of employment of that person with his former employer shall count as a period of employment with his new employer; and
  - (b) the change of employer shall not break the continuity of the period of employment.
- (3) Where this section applies to a person the period of his employment with his former employer shall count as a period of employment with his new employer for the purposes of any provision of his contract of employment with his new employer which depends on his length of service with that employer.

**Textual Amendments**  
**F11** Words in s. 174(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 37(2)**.

**Marginal Citations**  
**M2** 1978 c. 44.

**<sup>F12</sup>175 Offers of employment by inner London councils. E+W**

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**Textual Amendments**  
**F12** Ss. 175-178 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 5** Group 4

*Functions of London Residuary Body*

**<sup>F12</sup>176 Provision of services and facilities by London Residuary Body. E+W**

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**Textual Amendments**  
**F12** Ss. 175-178 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 5** Group 4

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**F12 177 Repayment by London Residuary Body of loans to ILEA. E+W**

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**Textual Amendments**

**F12** Ss. 175-178 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 4

**F12 178 Liability of London Residuary Body for redundancy and compensation payments. E+W**

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**Textual Amendments**

**F12** Ss. 175-178 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 4

**179 Payment of pensions and pensions increase by London Residuary Body. E+W**

- (1) All liabilities of ILEA in respect of pensions payable by it shall on the abolition date become liabilities of the London Residuary Body.
- (2) The reference in subsection (1) above to pensions includes a reference to allowances, grants or other benefits in respect of past service, death, injury or disease (whether of the pensioner or another person) and any such compensation as is mentioned in section 8(1)(b) or (c) of the <sup>M3</sup>Pensions (Increase) Act 1971.
- (3) At the end of Part II of Schedule 2 to that Act (pensions payable out of local funds) there shall be inserted—

“64C A pension payable by the London Residuary Body, being a pension which would fall within any of the foregoing paragraphs of this Part of this Schedule if references to a local authority had continued to include references to the Inner London Education Authority.”

- (4) In paragraph 1(5) of Schedule 3 to that Act (cases where increase of pension is to be reimbursed by the last employing authority) after “64B” there shall be inserted the words “and 64C”.
- (5) The London Residuary Body shall pay—
  - (a) any increase which by virtue of regulations under section 5(2) of that Act would have been payable on or after the abolition date by ILEA; and
  - (b) any payment which is analogous to a pensions increase and would have been payable on or after that date by ILEA by virtue of regulations under section 13(3) of that Act.

**Modifications etc. (not altering text)**

**C1** S. 179: functions, rights and liabilities of the London Residuary Body transferred to the London Pension Fund Authority (1. 4. 1992) by S.I. 1992/331, arts. 1(1), 2(1)(e)(4), 3, 7

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#### Marginal Citations

M3 1971 c. 56.

### 180 Custody of residuary property, etc. **E+W**

- (1) On the abolition date all residuary property, rights and liabilities of ILEA shall vest in the London Residuary Body.
- (2) In subsection (1) above “residuary property, rights and liabilities” means—
  - (a) any property for the vesting of which provision is not otherwise made by or under this Part; and
  - (b) subject to subsection (3) below, any rights and liabilities which are not transferred, extinguished or otherwise dealt with by any provision so made.
- (3) This section shall not be construed—
  - (a) as continuing in force any contract of employment made by ILEA; or
  - (b) as imposing any liability on the London Residuary Body in respect of the termination of any such contract by the abolition of ILEA;

but the rights and liabilities to which this section applies shall include any rights and liabilities attributable to anything done or omitted under or in respect of such a contract before the abolition date except any liability to make a payment prohibited by section 173(3) of this Act.
- (4) The Secretary of State may by order confer on the London Residuary Body any statutory functions which before the abolition date were exercisable by ILEA in relation to any property, rights or liabilities which are vested in that body by this section.
- (5) Without prejudice to section 232(5) of this Act, the provision that may be made by an order under subsection (4) above includes provision amending any enactment or any instrument made under any enactment.

### 181 Power of London Residuary Body to pay compensation. **E+W**

- (1) The London Residuary Body may pay compensation—
  - (a) to any former officer of ILEA who sustained an injury in the course of his employment with ILEA; or
  - (b) to the widow or widower or child of any former officer of ILEA who, in the course of his employment with ILEA, died or sustained an injury resulting in death.
- (2) Subsection (1) above applies irrespective of whether the employment with ILEA of the officer in question came to an end on or before the abolition date.
- (3) The London Residuary Body may pay compensation to any person in respect of loss suffered by him in consequence of any damage to property in respect of which it appears to them that a claim might have been brought against ILEA had ILEA not been abolished.
- (4) Any compensation payable under this section may be paid either—
  - (a) by way of a lump sum; or

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- (b) by way of periodical payments of such amounts and payable at such times and for such periods as the London Residuary Body may from time to time determine having regard to all the circumstances of the case.
- (5) The payment of compensation under this section shall not affect any right or claim to damages or compensation which—
- (a) any such officer as is mentioned in subsection (1)(a) or (b) above or his widow or widower or child; or
  - (b) any such person as is mentioned in subsection (3) above;
- may have against any person other than the London Residuary Body or, except so far as may be agreed when the compensation is granted, against the London Residuary Body by virtue of section 180 of this Act.

**Modifications etc. (not altering text)**

**C2** S. 181: functions, rights and liabilities of the London Residuary Body transferred to the London Pensions Fund Authority (1. 4. 1992) by [S.I. 1992/331](#), [arts. 1\(1\), 2\(1\)\(f\)\(4\), 3, 7](#)

**<sup>F13</sup>182 Preparation of ILEA’s final accounts. E+W**

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**Textual Amendments**

**F13** [Ss. 182-184](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#) Group 4

**<sup>F13</sup>183 Directions of Secretary of State. E+W**

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**Textual Amendments**

**F13** [Ss. 182-184](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#) Group 4

*Financial provisions and winding up of London Residuary Body*

**<sup>F13</sup>184 Preparatory expenditure of inner London councils. E+W**

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**Textual Amendments**

**F13** [Ss. 182-184](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#) Group 4

**185 London Residuary Body: financial provisions. E+W**

- (1) The London Residuary Body may in respect of any financial year beginning on or after the abolition date make levies on the rating authorities in inner London to meet

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all liabilities falling by virtue of this Part to be discharged by it for which provision is not otherwise made.

- (2) The amount to be levied by that body in respect of any financial year from each such authority shall be determined by apportioning the total amount to be levied by that body under this section in respect of that year between those authorities in proportion to the population of their respective areas.
- (3) For the purposes of subsection (2) above the population of any area shall be taken to be—
  - (a) in relation to any financial year in respect of which the London Residuary Body makes any levy under section 74 of the 1985 Act, the number applicable by virtue of subsection (2) of that section; and
  - (b) in relation to any other financial year, the number estimated by the Registrar General and certified by him to the Secretary of State by reference to such date as the Secretary of State may from time to time direct.
- (4) In section 74 of the 1985 Act, as it applies in relation to the London Residuary Body—
  - (a) subsection (1) shall not apply in relation to liabilities of that body to which subsection (1) above applies; and
  - (b) the reference in subsection (2) to the total amount to be levied by that body in respect of any financial year shall not include any amount to be so levied by virtue of this section;

but subsections (3) to (5) of that section (procedure for the levy and application of enactments relating to precepts and rates) shall apply in relation to a levy under this section as they apply in relation to a levy under that section.
- (5) A demand issued under subsection (3) of that section to a rating authority in inner London relating to a payment or payments in respect of a levy under that section may relate also to a payment or payments in respect of a levy under this section, but if it does so shall state separately the payment or payments required in respect of each levy.
- (6) Without prejudice to the borrowing powers of the London Residuary Body by virtue of section 75 of the 1985 Act but subject to subsection (7) below, that body may borrow by way of temporary loan or overdraft from a bank or otherwise any sums which it may require for the purpose of defraying any expenses incurred by it before the abolition date which are attributable to any provision made by or under this Part.
- (7) The sums borrowed by that body under subsection (6) above—
  - (a) shall not exceed such amount as the Secretary of State may determine; and
  - (b) shall be repaid before the end of the financial year beginning with the abolition date.
- (8) Section 77 of the 1985 Act (treatment and distribution of capital and other money) shall apply in relation to capital money received by the London Residuary Body of any description specified for the purposes of this section by an order made by the Secretary of State as if—
  - (a) subsection (2) were omitted and any reference to an authority or authorities to which subsection (1) of that section applies were a reference to a [F14]charging authority] or (as the case may be) the [F14]charging authorities] in inner London; and
  - (b) the references in subsection (4) of that section to the area for which that body is established and to a levy were respectively references to inner London and to a levy under this section.

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- (9) Except as provided by subsection (8) above section 77 shall not apply in relation to capital money of a description within that subsection.
- (10) The Secretary of State may by order provide, in relation to capital money received by the London Residuary Body of any description not within subsection (8) above, for the application of that money, or of such part of that money as may be specified in the order, for such purposes connected with the abolition of ILEA as may be so specified.
- (11) In this section—
  - (a) references to inner London are references to the area comprising the areas of all the inner London councils; and
  - (b) “capital money” has the same meaning as in section 77 of the 1985 Act.

**Textual Amendments**

**F14** Words substituted by [S.I. 1990/268, art. 2\(1\), Sch.](#)

**<sup>F15</sup>186 Transitional functions of London Residuary Body in respect of block grant. E**  
**+W**

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**Textual Amendments**

**F15** [S. 186](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 5](#) Group 4

**187 Winding-up of London Residuary Body. E+W**

- (1) Except as respects any of its functions under this Part for the discharge of which provision will be or is likely to be required after the end of the period of three years beginning with the abolition date, it shall be the duty of the London Residuary Body to use its best endeavours to secure that its work under this Part is completed as soon as practicable and in any event before the end of that period.
- (2) As respects—
  - (a) any such functions; and
  - (b) any 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, this Part;that body shall if it considers it appropriate to do so make such arrangements as are practicable for their transfer to a local authority or to some other body or bodies or submit proposals to the Secretary of State for effecting such transfers by orders made by him for the purpose.
- (3) Any such arrangements or proposals shall be made or (as the case may be) submitted, so far as practicable, before the end of the period of two years beginning with the abolition date.
- (4) Not later than the end of that period of two years, the London Residuary Body shall submit to the Secretary of State a scheme for the winding up of that body and the

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disposal of its remaining functions, property, rights and liabilities so far as not dealt with in pursuance of subsection (2) above.

- (5) The Secretary of State may by order provide—
  - (a) for any such transfer or disposal as is mentioned in subsection (2) above; and
  - (b) for giving effect (with or without modifications) to any scheme submitted to him under subsection (4) above.
- (6) The power under subsection (5)(a) above applies irrespective of whether or not the London Residuary Body has submitted proposals with respect to the transfer or disposal in question and, if it has, whether the provision made is in accordance with those proposals or not.
- (7) Without prejudice to the generality of the power under subsection (5) above and to section 232(5) of this Act, the provision that may be made by an order under subsection (5) above includes provision—
  - (a) amending any enactment or any instrument made under an enactment; or
  - (b) establishing new bodies corporate to receive any functions, property, rights or liabilities transferred by the order.

*Control of ILEA's contracts and disposals*

**F16 188 Control of contracts. E+W**

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<p>.....</p> <p><b>Textual Amendments</b></p> <p><b>F16</b> Ss. 188-191 repealed (22.7.2004) by <a href="#">Statute Law (Repeals) Act 2004 (c. 14)</a>, <a href="#">Sch. 1 Pt. 5</a> Group 4</p>
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**F16 189 Control of disposals. E+W**

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<p>.....</p> <p><b>Textual Amendments</b></p> <p><b>F16</b> Ss. 188-191 repealed (22.7.2004) by <a href="#">Statute Law (Repeals) Act 2004 (c. 14)</a>, <a href="#">Sch. 1 Pt. 5</a> Group 4</p>
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**F16 190 Wrongful contracts or disposals. E+W**

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<p>.....</p> <p><b>Textual Amendments</b></p> <p><b>F16</b> Ss. 188-191 repealed (22.7.2004) by <a href="#">Statute Law (Repeals) Act 2004 (c. 14)</a>, <a href="#">Sch. 1 Pt. 5</a> Group 4</p>
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**F16 191 Penalties for contravention of section 188 or 189. E+W**

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*Status: Point in time view as at 01/04/2008.*

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## Textual Amendments

**F16** Ss. 188-191 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 4

### *Miscellaneous and supplementary*

## 192 Charities. **E+W**

- (1) Where immediately before the abolition date—
  - (a) any property is held exclusively for charitable purposes by ILEA as sole trustee; and
  - (b) the charity is primarily for the benefit of the area of a single inner London council;that property shall on that date vest for the like purposes in that council.
- (2) Where immediately before that date any power with respect to any such charity as is mentioned in subsection (1)(b) above was under the trusts of the charity vested in, or in the holder of any office connected with, ILEA, that power shall on that date vest in, or in the holder of the corresponding office connected with, the inner London council concerned.
- (3) Where in the case of any such power vested in the holder of any office connected with ILEA there is no corresponding office connected with the inner London council concerned, that power shall on that date vest in the holder of such other office connected with that council as the Charity Commissioners may with the consent of that council and the office-holder concerned appoint.
- (4) Where immediately before that date—
  - (a) any property is held exclusively for charitable purposes by ILEA as sole trustee; and
  - (b) subsection (1) above does not apply to that property;that property shall on that date vest for the like purposes in the London Residuary Body or in such other person as the Charity Commissioners may appoint.
- (5) Where immediately before that date any power with respect to any charity, other than any such charity as is mentioned in subsection (1)(b) above, was under the trusts of the charity vested in, or in the holder of any office connected with, ILEA, that power shall on that date vest in the London Residuary Body or in such other person as the Charity Commissioners may appoint.
- (6) References above in this section to a power with respect to a charity shall not include references to any power of any person by virtue of being a charity trustee of that charity; but where under the trusts of any charity the charity trustees immediately before the abolition date included ILEA or the holder of an office connected with ILEA then, as from that date, those trustees shall instead include—
  - (a) such of the inner London councils;
  - (b) the holder of such office connected with such of those councils; or
  - (c) such other person;as the Charity Commissioners may appoint.

*Status: Point in time view as at 01/04/2008.*

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- (7) If in any case an appointment is not made by the Charity Commissioners for the purposes of any of subsections (3) to (6) above before the abolition date, the London Residuary Body shall be treated as having been so appointed pending the making of such an appointment by those Commissioners; but an appointment made by those Commissioners after the abolition date must be made before the end of the period of two years beginning with that date.
- (8) References in subsections (2), (5) and (6) above to a charity shall not include a charity which is a company within the meaning of the <sup>M4</sup>Companies Act 1985 or incorporated by charter.
- (9) For the purposes of this section, a charity is a charity primarily for the benefit of the area of a single inner London council if the charity is established for purposes which are by their nature or by the trusts of the charity directed wholly or mainly to the benefit of an area which falls wholly or mainly within that council's area.
- (10) Nothing in this section shall affect the power of Her Majesty, the court or any other person to alter the trusts of any charity.
- (11) In this section “charity”, “charitable purposes”, “charity trustees”, “court” and “trusts” have the same meanings as in [<sup>F17</sup>the Charities Act 1993].

#### Textual Amendments

**F17** Words in s. 192(11) substituted (1.8.1993) by 1993 c. 10, s. 98(1), **Sch. 6, para.30**

#### Marginal Citations

**M4** 1985 c. 6.

### <sup>F18</sup>**193 Information and access to documents.** **E+W**

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#### Textual Amendments

**F18** S. 193 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 5** Group 4

### <sup>F19</sup>**194 Concurrent employment.** **E+W**

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#### Textual Amendments

**F19** S. 194 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 5** Group 4

### **195 Continuity of exercise of functions.** **E+W**

- (1) The abolition of ILEA shall not affect the validity of anything done by ILEA before the abolition date.

*Status: Point in time view as at 01/04/2008.*

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- (2) Anything which at that date is in process of being done by or in relation to ILEA in the exercise of or in connection with any statutory functions which by virtue of any provision made by or under this Part become functions of the inner London councils in respect of their respective areas or (as the case may be) of some other local authority or of the London Residuary Body may be continued by or in relation to the successor authority.
- (3) References in this section, in relation to any statutory functions, to the successor authority are references to the inner London council or other local authority or body by which those functions become exercisable or (as the case may be) become exercisable in respect of the area in question.
- (4) Any instrument made by ILEA in exercise of or in connection with any functions to which subsection (2) above applies, and any other thing done by or in relation to ILEA before the abolition date in exercise of or in connection with any such functions shall, so far as required for continuing its effect on and after that date, have effect as if made by, or done by or in relation to, the successor authority.
- (5) Any reference above in this section to any instrument made by, or to any other thing done by or in relation to, ILEA includes a reference to any instrument or other thing which by virtue of any enactment is treated as having been made by, or done by or in relation to, ILEA.
- (6) So far as is required for giving effect to the preceding provisions of this section—
  - (a) any reference in any document to ILEA shall be construed as a reference to the successor authority; and
  - (b) any reference in any document to ILEA's area (whether as the Inner London Education Area or otherwise), or to any part of that area comprising the successor authority's area, shall be construed as a reference to the successor authority's area.
- (7) For the purposes of subsection (6)(b) above, the London Residuary Body's area shall be taken to be the area comprising the areas of all the inner London councils.
- (8) Any question under this section as to which is the successor authority in respect of any particular functions may be determined by a direction given by the Secretary of State.
- (9) The preceding provisions of this section—
  - (a) are without prejudice to any provision made by this Part in relation to any particular functions; and
  - (b) shall not be construed as continuing in force any contract of employment made by ILEA.
- (10) The Secretary of State may, in relation to any particular functions, by order exclude, modify or supplement any of the preceding provisions of this section or make such other transitional provision as he thinks necessary or expedient.

**Modifications etc. (not altering text)**

C3 S. 195(2), (4)–(8) modified by [S.I. 1990/124](#), [art. 12\(2\)](#)

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## 196 Interpretation of Part III. **E+W**

(1) In this Part—

“the 1985 Act” has the meaning given by section 164(3);

“the abolition date” has the meaning given by section 162(2);

“ILEA” has the meaning given by section 162(1)(a);

“inner London council” has the meaning given by section 163(2); and

“statutory functions” means functions conferred or imposed by an enactment or a statutory instrument.

(2) References in this Part, in relation to an inner London council, to its LEA functions shall be read in accordance with section 165(1)(a).

**Status:**

Point in time view as at 01/04/2008.

**Changes to legislation:**

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