



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART III

#### EDUCATION IN INNER LONDON

##### *Miscellaneous and supplementary*

#### **192 Charities.**

- (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;

*Status: Point in time view as at 01/08/1993. This version of this provision has been superseded.*

*Changes to legislation: Education Reform Act 1988, Section 192 is up to date with all changes known to be in force on or before 10 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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.
- (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>M1</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>F1</sup>the Charities Act 1993].

#### Textual Amendments

**F1** Words in s. 192(11) substituted (1.8.1993) by 1993 c. 10, s. 98(1), **Sch. 6**, para.30

#### Marginal Citations

**M1** 1985 c. 6.

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