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STATUTORY INSTRUMENTS

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**1991 No. 559**

**EDUCATION, ENGLAND AND WALES**

**The Education (Inner London Education Authority)  
(Transitional and Supplementary Provisions) Order 1991**

<i>Made</i>	- - - -	<i>8th March 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State for Education and Science, in exercise of the powers conferred on him by section 231(2) and (3) of the Education Reform Act 1988<sup>(1)</sup>, hereby makes the following Order:

**1.—(1)** This Order may be cited as the Education (Inner London Education Authority) (Transitional and Supplementary Provisions) Order 1991 and shall come into force on 1st April 1991.

(2) In this Order—

- (a) “the 1974 Act” means the Local Government Act 1974<sup>(2)</sup>;
- (b) “the abolition date” means 1st April 1990;
- (c) “action”, “local authority”, “Local Commissioner” and “person aggrieved” have the same meaning as in Part III of the 1974 Act;
- (d) “ILEA” means the former Inner London Education Authority and the reference to ILEA in article 2(1) of this Order includes a reference to—
  - (i) the members and officers of ILEA,
  - (ii) any person or body of persons acting for ILEA under section 101 of the Local Government Act 1972<sup>(3)</sup>,
  - (iii) any education committee, including a sub-committee, established in accordance with Part II of Schedule 1 to the Education Act 1944<sup>(4)</sup>, or
  - (iv) any appeal committee constituted in accordance with paragraph 1 of Schedule 2 to the Education Act 1980<sup>(5)</sup>; and

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(1) 1988 c. 40.

(2) 1974 c. 7.

(3) 1972 c. 70.

(4) 1944 c. 31; Part II of Schedule 1 was amended by the Local Government and Housing Act 1989 (c. 42), Schedule 11, paragraph 4.

(5) 1980 c. 20.

- (e) “relevant authority” means the London Residuary Body, a local authority and any other person by whom functions of ILEA are exercisable on and after the abolition date or in whom property of ILEA is vested on that date.

**2.—(1)** This Order applies to a complaint (“a transitional complaint”) such as is mentioned in section 26(1) of the 1974 Act, which relates to action (“specified action”) taken by or on behalf of ILEA in the exercise of its administrative functions before the abolition date.

(2) A Local Commissioner may investigate or, as the case may be, continue to investigate a transitional complaint notwithstanding the abolition of ILEA.

(3) Subject to paragraphs (4) and (5) below, sections 26 to 34 of the 1974 Act<sup>(6)</sup> shall apply to all investigations conducted by virtue of paragraph (2) above as if the specified action had been taken by or on behalf of the relevant authority (“the successor authority”) by whom the administrative functions in question are exercisable on and after the abolition date.

(4) Where the specified action relates exclusively to the exercise of administrative functions in connection with property which on the abolition date vests in a relevant authority other than the successor authority, paragraph (3) above shall have effect as if that other relevant authority were the successor authority.

(5) In relation to a transitional complaint made after the abolition date, references in section 26 of the 1974 Act to a member of an authority concerned shall be construed as a reference to a member of a local authority for the area in which the person aggrieved resides.

**3.** Any question as to which is the successor authority in respect of any particular transitional complaint shall be determined by the Secretary of State on the application of the Local Commissioner or a relevant authority.

8th March 1991

*Kenneth Clarke*  
Secretary of State for Education and Science

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<sup>(6)</sup> 1974 c. 7; sections 26 to 34 were amended by the Local Government Act 1978 (c. 39), section 1; the Local Government, Planning and Land Act 1980 (c. 65), section 184(1); the Local Government Act 1985 (c. 51), Schedule 14, Part II, paragraph 51(b); the Local Government Act 1988 (c. 9), Schedule 3, paragraphs 5 to 8; and the Local Government and Housing Act 1989 (c. 42), sections 26, 28 and 32(1), Schedule 11, paragraphs 39 and 40 and Schedule 12, Part II.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes transitional and supplementary provision to enable the Commission for Local Administration to investigate, or continue to investigate, complaints of maladministration arising from action taken by or on behalf of the former Inner London Education Authority abolished by section 162 of the Education Reform Act 1988 on 1st April 1990.