



Town and Country Planning Act 1971

1971 CHAPTER 78

PART VI

ACQUISITION AND APPROPRIATION OF LAND AND RELATED PROVISIONS

Powers exercisable in relation to land held for planning purposes, and other related powers

123 Disposal of land held for planning purposes

- (1) Where any land has been acquired or appropriated by a local authority for planning purposes, and is for the time being held by the authority for the purposes for which it was so acquired or appropriated, the authority may dispose of the land to such person, in such manner and subject to such conditions as may appear to them to be expedient in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out thereon, whether by themselves or by any other person, or to secure the erection, construction or carrying out thereon of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.
- (2) The consent of the Secretary of State shall be requisite to any disposal under this section—
 - (a) by an authority which is not an authority to whom Part II of the Act of 1959 applies; or
 - (b) of land acquired or appropriated for planning purposes for a reason mentioned in section 112(1)(a) to (c) of this Act; or
 - (c) of land which, immediately before the disposal, is land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act,and any such consent may be given either in respect of a particular disposal or in respect of disposals of any class, and may be given either subject to or free from any conditions or limitations.

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- (3) For the purposes of subsections (2) and (3) of section 26 of the Act of 1959 (consent of Ministers to disposals in certain cases), any disposal of land under this section shall be deemed to be a disposal which, apart from that section, could not be effected except with the consent of a Minister; and for the purposes of subsection (4) of that section (disposals for a price, consideration or rent less than the best reasonably obtainable) the power, of disposal conferred by subsection (1) of this section shall (except in respect of any exercise thereof in circumstances falling within subsection (2) of this section) be deemed to be a power in relation to which subsection (1) of that section has effect.
- (4) Subject to subsection (5) of this section, if it appears to the Secretary of State that it is expedient as mentioned in subsection (1) of this section that a local authority should dispose of land under this section to any person, and the authority have refused to dispose of it to him or are unable to reach agreement with him as to the manner in which, or the terms or conditions on or subject to which, it is to be disposed of to him, the Secretary of State may, after consultation with the authority and that person, require the authority to offer to dispose of it to him, and give directions as to the manner of the disposal and as to all or any of the terms or conditions on or subject to which it is to be offered to him.
- (5) A local authority shall not be required by any directions given under subsection (4) of this section (except to such extent as may appear to the Secretary of State to be requisite in any particular case for giving effect to subsection (7) of this section) to offer to dispose of land for a money consideration less than the best that can reasonably be obtained, having regard to the other terms and conditions on and subject to which the offer is to be made; and any difference as to what is the best consideration shall be referred to and determined by an arbitrator agreed between the Secretary of State and the authority, or, in default of such agreement, shall be referred to and determined by the Lands Tribunal.
- (6) In estimating the best consideration for the purposes of subsection (5) of this section, any amount which only a particular purchaser might be prepared to offer by reason of special needs of his shall be disregarded.
- (7) In relation to land acquired or appropriated for planning purposes for a reason mentioned in section 112(1)(a) to (c) of this Act the powers conferred by this section on a local authority, and on the Secretary of State in respect of the giving of consent to disposals under this section, shall be so exercised as to secure, so far as may be practicable, to persons who were living or carrying on business or other activities on any such land which the authority have acquired as mentioned in subsection (1) of this section, who desire to obtain accommodation on such land, and who are willing to comply with any requirements of the authority as to the development and use of such land, an opportunity to obtain thereon accommodation suitable to their reasonable requirements, on terms settled with due regard to the price at which any such land has been acquired from them.

In this subsection "development" includes redevelopment.

- (8) Subject to the provisions of section 27 of the Act of 1959 (which enables capital money in certain cases to be applied without the consent or approval of a Minister which would otherwise be required), section 166 of the Local Government Act 1933 (which relates to the application of capital money received from the disposal of land) shall have effect in relation to capital money received in respect of transactions under this section as it has effect in relation to capital money received in respect of such transactions as are mentioned in that section.

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- (9) In relation to any such land as is mentioned in subsection (1) of this section, this section shall have effect to the exclusion of sections 164 and 165 of the Local Government Act 1933.