



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART X

LAND HELD BY PUBLIC BODIES

Modifications etc. (not altering text)

C1 Pt. X (ss. 93-100): power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), Sch. 4 para. (d)(ii); S.I. 1997/1930, art. 3

93 Public bodies to whom Part X applies.

- (1) This Part if this Act applies to any body for the time being specified in Schedule 16 to this Act.
- (2) The Secretary of State may by order made by statutory instrument amend Schedule 16 to this Act—
 - (a) by adding an entry naming a public body not for the time being specified in Schedule 16;
 - (b) by amending or delting any entry for the time being contained in the Schedule.
- (3) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Before making an order under subsection (2) above, the Secretary of State shall send written notification that he proposes to make the order to any body to whom this Part of this Act would apply by virtue of the order.
- (5) Any body specified in a notification under subsection (4) above may make representations to the Secretary of State within a period of 42 days from the date of the notification.

Status: Point in time view as at 01/10/1994.

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- (6) Where the Secretary of State has sent a notification under subsection (4) above to a body, he may not make the order to which the notification relates until the expiration of the period specified in subsection (5) above.

94 Areas in which Part X is to operate.

- (1) This Part of this Act shall come into operation in accordance with subsection (2) below.
- (2) The Secretary of State may by order made by statutory instrument direct that this Part of this Act shall come into operation in the area of any district council or London borough council specified in the order.
- (3) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The City of London shall be treated for the purposes of this section as if it were a London borough and as if the Common Council were the council of that borough.

Modifications etc. (not altering text)

- C2** Power of appointment conferred by s. 94(2) fully exercised as regards England by [S.I. 1981/194](#), 1251, 1618 and fully exercised as regards Wales by [S.I. 1983/94](#) and [S.I. 1984/1493](#)

95 Registration of land holdings.

- (1) The Secretary of State may compile and maintain a register, in such form as he may think fit, of land which satisfies the conditions specified in subsection (2) below.
- (2) The conditions mentioned in subsection (1) above are—
- that a freehold or leasehold interest in the land is owned by a body to which this Part of this Act applies or a subsidiary of such a body;
 - that it is situated in an area in relation to which this Part of this Act is in operation or is not so situated but adjoins other land which is so situated and in which a freehold or leasehold interest is owned by a body to which this Part of this Act applies or a subsidiary of such a body; and
 - that in the opinion of the Secretary of State the land is not being used or not being sufficiently used for the purposes of performance of the body's functions or of carrying on their undertaking.
- (3) The Secretary of State may enter on the register any such land satisfying the conditions specified in subsection (2) above as he may think fit.
- (4) The Secretary of State may also enter on the register any Crown land situated in an area in relation to which this Part of this Act is on operation or not so situated but adjoining other Crown land which is so situated.
- (5) The information to be included in the register in relation to any land entered on it shall be as the Secretary of State thinks fit.
- (6) In this section "Crown land" means land belonging to a government department or to a body who perform their functions on behalf of the Crown or held on trust for Her Majesty for the purposes of a government department; and in this subsection "government department" includes any Minister of the Crown.

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96 Public access to information.

- (1) The Secretary of State shall send to a council in respect of whose area a register is maintained under section 95 above—
 - (a) a copy of that register; and
 - (b) such amendments to it as he may from time to time consider appropriate.
- (2) It shall be the duty of a council to whom amendments to a register are sent under subsection (1)(b) above to incorporate the amendments in their copy of the register,
- (3) A copy of the register sent to a council under this section shall be available at the council's principal office for inspection by any member of the public at all reasonable hours.
- (4) If any member of the public requires a council to supply him with a copy of the information contained in such a copy of a register, the council shall supply him with a copy of that information on payment of such reasonable charge for making it as the council may determine.

[^{F1}96A Information about entries.

- (1) Where land is entered on a register under section 95(3) above, the Secretary of State shall as soon as is reasonably practicable after entering the land send a copy of the information included in the register in relation to the land to any body to whom this Part of this Act applies, if it appears from the register that the body or a subsidiary of the body owns a freehold or leasehold interest in the land.
- (2) Where land is entered on a register under section 95(3) above and the Secretary of State amends the information included in the register in relation the land, he shall soon as is reasonably practicable after amending the information send a copy of the amended information to any body to whom this Part of this Act applies, if it appears from the register that the body or a subsidiary of the body owns a freehold or leasehold interest in the land.
- (3) The fact that the Secretary of State must send anything to a council under section 96 above does not displace any duty of his to send anything to the council under subsection (1) or (2) above.
- (4) Subsection (5) below applies where a copy sent under subsection (1) or (2) above has been received by a body.
- (5) If at any time the body becomes aware that any information in the only or the latest copy received by them is or has become inaccurate, they shall as soon as is reasonably practicable after becoming so aware inform the Secretary of State that the information is inaccurate and give him (so far as they are able) the corrected information.
- (6) Subsection (5) above does not apply if, when the body becomes so aware, the land concerned is no longer entered on a register under section 95(3) above.]

Textual Amendments

F1 S. 96A inserted (*prosp.*) by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 31(3), [Sch. 5 para. 2](#)

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Modifications etc. (not altering text)

- C3 S. 96A(1) modified (*prosp.*) by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(3), **Sch. 5 para. 2(2)**

[^{F2}97 Secretary of State's power to require information.

- (1) The Secretary of State may direct a body to whom this Part of this Act applies to inform him whether the body or a subsidiary of the body holds a freehold or leasehold interest in land which is specified or is of a description specified, in the direction.
- (2) A body need only to comply with a direction under subsection (1) above as regards land which is situated in an area in relation to which this Part of this Act is in operation.
- (3) Where a body to whom this Part of this Act applies or a subsidiary of such a body holds a freehold or leasehold interest in land situated in an area in relation to which this Part of this Act is in operation, the Secretary of State may direct the body to whom this Part of this Act applies to give him such information about the land as he may specify.]

Textual Amendments

- F2 S. 97 substituted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), **Sch. 5 para. 3**

98 Disposal of land at direction of Secretary of State.

- (1) The Secretary of State may direct a body to whom this Part of the is Act for the time being applies—
 - (a) to take steps for the disposal of the interest held by them in any land which [^{F3}for the time being satisfies the conditions specified in section 95(2) above] or any lesser interest in such land; or
 - (b) to ensure that a subsidiary of theirs takes steps for the disposal of the interest held by the subsidiary in any land which [^{F4}for the time being satisfies those conditions] or any lesser interest in such land,
 being, in either case, steps which it is necessary to take to dispose of the interest and which it is in their power to take.
- (2) A direction under this section may specify the steps to be taken for the disposal of an interest in land and the terms and conditions on which an offer to dispose of it is to made.
- [^{F5}(2A) A direction under this section may include provision that no disposal of an interest to which the direction relates shall, while the direction remains unrevoked, be made in favour of a person or body who—
 - (a) is specified, or is of a description specified, in the direction, and
 - (b) is at the date the disposal is proposed to be made associated with the body to whom the direction is given.]
 - (3) A direction under this section may be varied or revoked by a further direction.
 - (4) The power to give directions conferred by this section is in addition to and not in derogation from any such power to the grant of an interest in land.

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- (5) In this section and section 99 below references to the disposal of an interest in land include references to the grant of an interest in land.
- [^{F6}(6) In subsection (2A) above references to a disposal of interest include references to a contract to dispose of an interest, and references to making a disposal include references to entering into such a contract.
- (7) For the purposes of subsection (2A) above a person is associated with a body if (but only if)—
- (a) he is a member of the body or of a subsidiary of the body, or
 - (b) he is a nominee of the body or of a subsidiary of the body.
- (8) For the purposes of subsection (2A) above a body is associated with another body if (but only if)—
- (a) the other body, or a subsidiary of the other body, is a member of it,
 - (b) any of its members is also a member of the other body or of a subsidiary of the other body, or
 - (c) any of its members is a nominee of the other body or of a subsidiary of the other body
- (9) Notwithstanding section 100(1) below, in subsections (7) and (8) above “subsidiary” has the same meaning as in section 736(1) of the ^{M1}Companies Act 1985.]

Textual Amendments

- F3** Words in s. 98(1)(a) substituted (11.10.1993) by 1993 c. 28, s. 176(1)(a); S.I. 1993/2134, art.4
- F4** Words in s. 98(1)(b) substituted (11.10.1993) by 1993 c. 28, s. 176(1)(b); S.I. 1993/2134, art. 4
- F5** S. 98(2A) inserted by Local Government Act 1988 (c. 9, SIF 81:1), s. 31(2), Sch. 5 para. 4(2)
- F6** S. 98(6)–(9) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), Sch. 5 para. 4(3)

Modifications etc. (not altering text)

- C4** S. 98(3) restricted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), Sch. 5 para. 4(4)

Marginal Citations

- M1** 1985 c. 6 (27).

99 Directions to dispose of land– supplementary.

- (1) Before giving a direction to a body under section 98 above, the Secretary of State shall give them notice of his proposal to give the direction and of its proposed contents.
- (2) A body who receives a notice under subsection (1) above may make representations to the Secretary of State as to why the proposed direction should not be given or as to its proposed contents.
- (3) If the body do not make such representations within a period of 42 days from the date of the notice or within such longer period as the Secretary of State may in any particular case allow, the Secretary of State may give the direction as proposed.
- (4) If—
- (a) a county council;
 - (b) a district council;

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- (c)
- ^{F7}(d) a London borough council or the Common Council of the City of London;
- ^{F8}(da)
- ^{F9}(db) a joint authority established by Part IV of the Local Government Act 1985;]
- ^{F10}(dc) a police authority established under section 3 of the Police Act 1964;]
- (e) the Commission for the New Towns, a development corporation established under the [^{F11M2}New Towns Act 1981] or an urban development corporation established under this Act; or
- (f) any authority, body or undertakers in relation to whom the Secretary of State is the appropriate Minister,
- have made representations under subsection (2) above, the Secretary of State may not give a direction unless he is satisfied that the interest to which the direction would relate can be disposed of in the manner in which and on the terms and conditions on which he proposes that it shall be disposed of without serious detriment to the performance of their functions or the carrying out of their undertaking.
- (5) If any other body to whom this Part of this Act applies have made such representations, the Secretary of State may not give a direction unless the appropriate Minister certifies that the interest to which the direction would relate can be disposed of in the manner in which and on the terms and conditions on which he proposes that it shall be disposed of without serious detriment to the performance of their functions of the carrying on of their undertaking.
- ^{F12}(5A) The Secretary of State need not give notice under subsection (1) above as regards a further direction revoking a previous direction given under section 98 above;
- (5B) The Secretary of State need not give notice under subsection (1) as regards a further direction varying a previous direction given under section 98 above if—
- (a) the variation consists only of one which omits part of the land to which the previous direction relates, or
- (b) the variation is stated in the further direction to consist only of one which is made to take account of a representation of the body to whom the previous direction was given.
- (5C) The contents of a direction under section 98 above may differ from its proposed contents contained in a notice given under subsection (1) above if—
- (a) the difference consists only of a variation which omits part of the land referred to in the proposed contents, or
- (b) the difference is stated in the direction to consist only of a variation which is made to take account of a representation of the body to whom the notice was given;
- and the words “as proposed” in subsection (3) above shall have effect accordingly.
- (5D) The Secretary of State may by order made by statutory instrument substitute a period specified in the order for the period of 42 days specified in subsection (3) above or for such other period as is for the time being in specified in that subsection by virtue of an order under this subsection.
- (5E) No order under subsection (5D) above may substitute a period as regards a notice given before the coming into force of the order.]
- (6) In this section “the appropriate Minister”—

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- (a) in relation to any body who are statutory undertakers for the purposes of any provision of Part XI of [^{F13}the Town and Country Planning Act 1990], shall have the same meaning as in that Part of that Act, and
 - (b) in relation to any other body, shall have the meaning given by an order under this [^{F14}subsection] section made by statutory instrument by the Secretary of State with the concurrence of the Treasury.
- (7) A statutory instrument containing an order under subsection [^{F15}(5D) or] (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F7** S. 99(4)(c) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F8** S. 99(4)(da),(db) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 para. 59\(l\)](#) (f)
- F9** S. 99(4)(da) repealed (1.4.1990) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 237, [Sch. 13 Pt. I](#)
- F10** S. 99(4)(dc) inserted (1.10.1994 for certain purposes and 1.4.1995 otherwise) by 1994 c. 29, s. 43, [Sch. 4 Pt. I para. 21](#); S.I. 1994/2025, [art. 6\(1\)\(2\)\(6\)](#); S.I. 1994/3262, art. 4, [Sch. 2](#)
- F11** Words substituted by [New Towns Act 1981 \(c. 64, SIF 123\)](#), s. 81, [Sch. 12 para. 28\(c\)](#)
- F12** S. 99(5A)–(5E) inserted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 31(2), [Sch. 5 para. 5\(2\)\(5\)](#)
- F13** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 44\(2\)](#)
- F14** Word substituted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 31(2), [Sch. 5 para. 5\(3\)](#)
- F15** Words inserted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 31(2), [Sch. 5 para. 5\(4\)](#)

Modifications etc. (not altering text)

- C5** S. 99(4) extended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), [Sch. 13 para. 15](#)
- C6** S. 99(4) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), [Sch. 13 para. 25\(a\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))
- C7** S. 99(4)(db) amended by S.I. 1985/1884, art 10, [Sch. 3 para. 4\(5\)](#)
- C8** “Appropriate Minister” explained S.I. 1981/15

Marginal Citations

- M2** [1981 c. 64. \(123:3\)](#).

[^{F16}99A Power of entry.

- (1) A person duly authorised in writing by the Secretary of State may at any reasonable time enter any land for the purpose of helping the Secretary of State to decide whether to give a direction under section 98 above in relation to the land.

^{F17}(2)

- (3) A person may not enter land under this section unless at least 21 clear days’ notice in writing of the intended entry has been given to every person who is an owner or occupier.

- (4) In this section “owner”, in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement.]

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Textual Amendments

F16 S. 99A inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), **Sch. 5 para. 6**

F17 S. 99A(2) repealed (11.10.1993) by 1993 c. 28, ss. 176(2), 187(2), **Sch.22**; S.I. 1993/2134, **art.4**

100 Interpretation and extent of Part X.

(1) In this Part of this Act—

“subsidiary”, in relation to a body to whom this Part of this Act applies, means a wholly-owned subsidiary of that body; and

“wholly-owned subsidiary” [^{F18}as defined by section 736][^{F19}of the ^{M3}Companies Act 1985].

(2) This Part of this Act extends to England and Wales only.

Textual Amendments

F18 Words substituted by Companies Act 1989 (c. 40, SIF 27), s. 144(4), **Sch. 18 para. 24**

F19 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

Marginal Citations

M3 1985 c. 6 (27).

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