

Status: Point in time view as at 26/05/2015. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1988, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 31.

LAND HELD BY PUBLIC BODIES

- 1 Part X of the ^{M1}Local Government, Planning and Land Act 1980 shall be amended as mentioned in the following provisions of this Schedule.

Marginal Citations

M1 1980 c. 65.

PROSPECTIVE

- 2 (1) The following shall be inserted after section 96—

“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 to the land, he shall as 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 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.”

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(2) Section 96A(1) and (2) apply whether the land was entered on the register before or after the coming into force of this paragraph; and in its application to land entered on the register before the coming into force of this paragraph section 96A(1) shall have effect as if for the words “entering the land” there were substituted the words “the coming into force of paragraph 2 of Schedule 5 to the Local Government Act 1988.”

3 The following shall be substituted for section 97 (Secretary of State’s power to require information)—

“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 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.”

4 (1) Section 98 (directions to dispose of land) shall be amended as follows.

(2) After subsection (2) there shall be inserted—

“(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) After subsection (5) there shall be inserted—

“(6) In subsection (2A) above references to a disposal of an 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

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(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 Companies Act 1985.”

(4) No direction may be varied under section 98(3) so as to include provision mentioned in section 98(2A) if the direction sought to be varied was given before the coming into force of this paragraph.

5 (1) Section 99 (directions: supplementary) shall be amended as follows.

(2) After subsection (5) there shall be inserted—

“(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) above 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 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.”

(3) In subsection (6)(b) for “section” there shall be substituted “subsection”.

(4) In subsection (7) after “subsection” there shall be inserted “(5D) or”.

(5) Section 99(5A) and (5B) apply whether the previous direction was given before or after the coming into force of this paragraph; and section 99(5C) applies whether the notice was given before or after the coming into force of this paragraph.

6 The following shall be inserted after section 99—

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“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.
- (2) A person may not enter land under this section unless, at the time of the authorisation under subsection (1) above, at the time of the entry, and at all times between the authorisation and the entry, the land is entered on a register maintained under section 95 above.
- (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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