



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART X

LAND HELD BY PUBLIC BODIES

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;
 - [^{F1}(aa) a county borough council;]
 - [^{F2}(ab) a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;]
 - (b) a district council;
 - (c)
 - [^{F3}(d) a London borough council or the Common Council of the City of London;
 - [^{F4}(da)
 - [^{F5}(db) a joint authority established by Part IV of the Local Government Act 1985;]
 - [^{F6}(dbza) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
 - (dbzb) a combined authority established under section 103 of that Act;]

Status: Point in time view as at 26/12/2023.

Changes to legislation: Local Government, Planning and Land Act 1980, Section 99 is up to date with all changes known to be in force on or before 31 July 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)

- [^{F7}(dbzc) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;]
- ^{F8}(dba)
- [^{F9}(dbb) the London Fire Commissioner;]
- [^{F10}(dbc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;]
- [^{F11}(dc) a police and crime commissioner;
- (dcc) the Mayor's Office for Policing and Crime;]
- (dd)
- (e) ^{F12}... a development corporation established under the ^{M1}[^{F13}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.
- [^{F14}(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.

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- (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”—
- (a) in relation to any body who are statutory undertakers for the purposes of any provision of Part XI of [^{F15}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 [^{F16}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 [^{F17}(5D) or] (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 99(4)(aa) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 57(5)** (with ss. 54(5)(7), 55(5), Sch. 7 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**
- F2** S. 99(4)(ab) inserted (25.3.2022) by The Corporate Joint Committees (General) (Wales) Regulations 2022 (S.I. 2022/372), regs. 1(2), **48(a)**
- F3** S. 99(4)(c) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F4** S. 99(4)(da),(db) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 59(l)(f)**
- F5** S. 99(4)(da) repealed (1.4.1990) by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237, **Sch. 13 Pt. I**
- F6** S. 99(4)(dbza)(dbzb) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 51**; S.I. 2009/3318, art. 2(c)
- F7** S. 99(4)(dbzc) inserted (26.12.2023) by Levelling Up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 65** (with s. 247)
- F8** S. 99(4)(dba) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(14)(c)**; S.I. 2015/994, art. 6(g)
- F9** S. 99(4)(dbb) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 59**; S.I. 2018/227, reg. 4(c)
- F10** S. 99(4)(dbc) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 41**; S.I. 2017/399, reg. 2, **Sch. para. 38**
- F11** S. 99(4)(dc)(dcc) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 141**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 42)
- F12** Words in s. 99(4)(e) repealed (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 8 para. 28, **Sch. 16**; S.I. 2008/3068, arts. 2(1)(w)(3), 5, Sch. (with arts. 6-13)
- F13** Words substituted by New Towns Act 1981 (c. 64, SIF 123), s. 81, **Sch. 12 para. 28(e)**
- F14** 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)**
- F15** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(2)**
- F16** Word substituted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), S.Sch. 5 para. 5(3)
- F17** 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)

- C1** S. 99 applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 5(2)**

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- C2** S. 99 modified (E.) (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 5(2)**
- C3** S. 99(4) extended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 15**
- C4** 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))
- C5** S. 99(4)(db) amended by S.I. 1985/1884, art 10, **Sch. 3 para. 4(5)**
- C6** "Appropriate Minister" explained S.I. 1981/15

Marginal Citations

- M1** 1981 c. 64. (123:3).

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