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Localism Act 2011

2011 CHAPTER 20

PART 5

COMMUNITY EMPOWERMENT

CHAPTER 3

ASSETS OF COMMUNITY VALUE

List of assets of community value

87 List of assets of community value

- (1) A local authority must maintain a list of land in its area that is land of community value.
- (2) The list maintained under subsection (1) by a local authority is to be known as its list of assets of community value.
- (3) Where land is included in a local authority's list of assets of community value, the entry for that land is to be removed from the list with effect from the end of the period of 5 years beginning with the date of that entry (unless the entry has been removed with effect from some earlier time in accordance with provision in regulations under subsection (5)).
- (4) The appropriate authority may by order amend subsection (3) for the purpose of substituting, for the period specified in that subsection for the time being, some other period.
- (5) The appropriate authority may by regulations make further provision in relation to a local authority's list of assets of community value, including (in particular) provision about—
 - (a) the form in which the list is to be kept;
 - (b) contents of an entry in the list (including matters not to be included in an entry);

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- (c) modification of an entry in the list;
 - (d) removal of an entry from the list;
 - (e) cases where land is to be included in the list and—
 - (i) different parts of the land are in different ownership or occupation, or
 - (ii) there are multiple estates or interests in the land or any part or parts of it;
 - (f) combination of the list with the local authority's list of land nominated by unsuccessful community nominations.
- (6) Subject to any provision made by or under this Chapter, it is for a local authority to decide the form and contents of its list of assets of community value.

Commencement Information

- II** S. 87 in force for specified purposes at Royal Assent see s. 240(5)(f)

88 Land of community value

- (1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area is land of community value if in the opinion of the authority—
- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
 - (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.
- (2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—
- (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
- (3) The appropriate authority may by regulations—
- (a) provide that a building or other land is not land of community value if the building or other land is specified in the regulations or is of a description specified in the regulations;
 - (b) provide that a building or other land in a local authority's area is not land of community value if the local authority or some other person specified in the regulations considers that the building or other land is of a description specified in the regulations.
- (4) A description specified under subsection (3) may be framed by reference to such matters as the appropriate authority considers appropriate.

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- (5) In relation to any land, those matters include (in particular)—
- (a) the owner of any estate or interest in any of the land or in other land;
 - (b) any occupier of any of the land or of other land;
 - (c) the nature of any estate or interest in any of the land or in other land;
 - (d) any use to which any of the land or other land has been, is being or could be put;
 - (e) statutory provisions, or things done under statutory provisions, that have effect (or do not have effect) in relation to—
 - (i) any of the land or other land, or
 - (ii) any of the matters within paragraphs (a) to (d);
 - (f) any price, or value for any purpose, of any of the land or other land.
- (6) In this section—
- “legislation” means—
- (a) an Act, or
 - (b) a Measure or Act of the National Assembly for Wales;
- “social interests” includes (in particular) each of the following—
- (a) cultural interests;
 - (b) recreational interests;
 - (c) sporting interests;
- “statutory provision” means a provision of—
- (a) legislation, or
 - (b) an instrument made under legislation.

Commencement Information

I2 S. 88 in force for specified purposes at Royal Assent see s. 240(5)(f)

89 Procedure for including land in list

- (1) Land in a local authority's area which is of community value may be included by a local authority in its list of assets of community value only—
- (a) in response to a community nomination, or
 - (b) where permitted by regulations made by the appropriate authority.
- (2) For the purposes of this Chapter “community nomination”, in relation to a local authority, means a nomination which—
- (a) nominates land in the local authority's area for inclusion in the local authority's list of assets of community value, and
 - (b) is made—
 - (i) by a parish council in respect of land in England in the parish council's area,
 - (ii) by a community council in respect of land in Wales in the community council's area, or
 - (iii) by a person that is a voluntary or community body with a local connection.

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- (3) Regulations under subsection (1)(b) may (in particular) permit land to be included in a local authority's list of assets of community value in response to a nomination other than a community nomination.
- (4) The appropriate authority may by regulations make provision as to—
 - (a) the meaning in subsection (2)(b)(iii) of “voluntary or community body”;
 - (b) the conditions that have to be met for a person to have a local connection for the purposes of subsection (2)(b)(iii);
 - (c) the contents of community nominations;
 - (d) the contents of any other nominations which, as a result of regulations under subsection (1)(b), may give rise to land being included in a local authority's list of assets of community value.
- (5) The appropriate authority may by regulations make provision for, or in connection with, the procedure to be followed where a local authority is considering whether land should be included in its list of assets of community value.

Commencement Information

I3 S. 89 in force for specified purposes at Royal Assent see s. 240(5)(f)

VALID FROM 21/09/2012

90 Procedure on community nominations

- (1) This section applies if a local authority receives a community nomination.
- (2) The authority must consider the nomination.
- (3) The authority must accept the nomination if the land nominated—
 - (a) is in the authority's area, and
 - (b) is of community value.
- (4) If the authority is required by subsection (3) to accept the nomination, the authority must cause the land to be included in the authority's list of assets of community value.
- (5) The nomination is unsuccessful if subsection (3) does not require the authority to accept the nomination.
- (6) If the nomination is unsuccessful, the authority must give, to the person who made the nomination, the authority's written reasons for its decision that the land could not be included in its list of assets of community value.

91 Notice of inclusion or removal

- (1) Subsection (2) applies where land—
 - (a) is included in, or
 - (b) removed from,
 a local authority's list of assets of community value.

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- (2) The authority must give written notice of the inclusion or removal to the following persons—
- (a) the owner of the land,
 - (b) the occupier of the land if the occupier is not also the owner,
 - (c) if the land was included in the list in response to a community nomination, the person who made the nomination, and
 - (d) any person specified, or of a description specified, in regulations made by the appropriate authority,
- but where it appears to the authority that it is not reasonably practicable to give a notice under this subsection to a person to whom it is required to be given, the authority must instead take reasonable alternative steps for the purpose of bringing the notice to the person's attention.
- (3) A notice under subsection (2) of inclusion of land in the list must describe the provision made by and under this Chapter, drawing particular attention to—
- (a) the consequences for the land and its owner of the land's inclusion in the list, and
 - (b) the right to ask for review under section 92.
- (4) A notice under subsection (2) of removal of land from the list must state the reasons for the removal.

Commencement Information

I4 S. 91 in force for specified purposes at Royal Assent see s. 240(5)(f)

92 Review of decision to include land in list

- (1) The owner of land included in a local authority's list of assets of community value may ask the authority to review the authority's decision to include the land in the list.
- (2) If a request is made—
- (a) under subsection (1), and
 - (b) in accordance with the time limits (if any) provided for in regulations under subsection (5),
- the authority concerned must review its decision.
- (3) Where under subsection (2) an authority reviews a decision, the authority must notify the person who asked for the review—
- (a) of the decision on the review, and
 - (b) of the reasons for the decision.
- (4) If the decision on a review under subsection (2) is that the land concerned should not have been included in the authority's list of assets of community value—
- (a) the authority must remove the entry for the land from the list, and
 - (b) where the land was included in the list in response to a community nomination—
 - (i) the nomination becomes unsuccessful, and
 - (ii) the authority must give a written copy of the reasons mentioned in subsection (3)(b) to the person who made the nomination.

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- (5) The appropriate authority may by regulations make provision as to the procedure to be followed in connection with a review under this section.
- (6) Regulations under subsection (5) may (in particular) include—
- (a) provision as to time limits;
 - (b) provision requiring the decision on the review to be made by a person of appropriate seniority who was not involved in the original decision;
 - (c) provision as to the circumstances in which the person asking for the review is entitled to an oral hearing, and whether and by whom that person may be represented at the hearing;
 - (d) provision for appeals against the decision on the review.

Commencement Information

I5 S. 92 in force for specified purposes at Royal Assent see s. 240(5)(f)

VALID FROM 21/09/2012

List of land nominated by unsuccessful community nominations

93 List of land nominated by unsuccessful community nominations

- (1) A local authority must maintain a list of land in its area that has been nominated by an unsuccessful community nomination (see sections 90(5) and 92(4)(b)(i)).
- (2) The list maintained under subsection (1) by a local authority is to be known as its list of land nominated by unsuccessful community nominations.
- (3) Where land is included in a local authority's list of land nominated by unsuccessful community nominations, the entry in the list for the land—
 - (a) may (but need not) be removed from the list by the authority after it has been in the list for 5 years, and
 - (b) while it is in the list, is to include the reasons given under section 90(6) or 92(3)(b) for not including the land in the authority's list of assets of community value.
- (4) Subject to any provision made by or under this Chapter, it is for a local authority to decide the form and contents of its list of land nominated by unsuccessful community nominations.

VALID FROM 21/09/2012

Provisions common to both lists

94 Publication and inspection of lists

- (1) A local authority must publish—

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- (a) its list of assets of community value, and
 - (b) its list of land nominated by unsuccessful community nominations.
- (2) A local authority must at a place in its area make available, for free inspection by any person, both—
 - (a) a copy of its list of assets of community value, and
 - (b) a copy of its list of land nominated by unsuccessful community nominations.
- (3) A local authority must provide a free copy of its list of assets of community value to any person who asks it for a copy, but is not required to provide to any particular person more than one free copy of the same version of the list.
- (4) A local authority must provide a free copy of its list of land nominated by unsuccessful community nominations to any person who asks it for a copy, but is not required to provide to any particular person more than one free copy of the same version of the list.
- (5) In this section “free” means free of charge.

Moratorium on disposing of listed land

95 Moratorium

- (1) A person who is an owner of land included in a local authority's list of assets of community value must not enter into a relevant disposal of the land unless each of conditions A to C is met.
- (2) Condition A is that that particular person has notified the local authority in writing of that person's wish to enter into a relevant disposal of the land.
- (3) Condition B is that either—
 - (a) the interim moratorium period has ended without the local authority having received during that period, from any community interest group, a written request (however expressed) for the group to be treated as a potential bidder in relation to the land, or
 - (b) the full moratorium period has ended.
- (4) Condition C is that the protected period has not ended.
- (5) Subsection (1) does not apply in relation to a relevant disposal of land—
 - (a) if the disposal is by way of gift (including a gift to trustees of any trusts by way of settlement upon the trusts),
 - (b) if the disposal is by personal representatives of a deceased person in satisfaction of an entitlement under the will, or on the intestacy, of the deceased person,
 - (c) if the disposal is by personal representatives of a deceased person in order to raise money to—
 - (i) pay debts of the deceased person,
 - (ii) pay taxes,
 - (iii) pay costs of administering the deceased person's estate, or
 - (iv) pay pecuniary legacies or satisfy some other entitlement under the will, or on the intestacy, of the deceased person,

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- (d) if the person, or one of the persons, making the disposal is a member of the family of the person, or one of the persons, to whom the disposal is made,
 - (e) if the disposal is a part-listed disposal of a description specified in regulations made by the appropriate authority, and for this purpose “part-listed disposal” means a disposal of an estate in land—
 - (i) part of which is land included in a local authority's list of assets of community value, and
 - (ii) part of which is land not included in any local authority's list of assets of community value,
 - (f) if the disposal is of an estate in land on which a business is carried on and is at the same time, and to the same person, as a disposal of that business as a going concern,
 - (g) if the disposal is occasioned by a person ceasing to be, or becoming, a trustee,
 - (h) if the disposal is by trustees of any trusts—
 - (i) in satisfaction of an entitlement under the trusts, or
 - (ii) in exercise of a power conferred by the trusts to re-settle trust property on other trusts,
 - (i) if the disposal is occasioned by a person ceasing to be, or becoming, a partner in a partnership, or
 - (j) in cases of a description specified in regulations made by the appropriate authority.
- (6) In subsections (3) and (4)—
- “community interest group” means a person specified, or of a description specified, in regulations made by the appropriate authority,
- “the full moratorium period”, in relation to a relevant disposal, means the six months beginning with the date on which the local authority receives notification under subsection (2) in relation to the disposal,
- “the interim moratorium period”, in relation to a relevant disposal, means the six weeks beginning with the date on which the local authority receives notification under subsection (2) in relation to the disposal, and
- “the protected period”, in relation to a relevant disposal, means the eighteen months beginning with the date on which the local authority receives notification under subsection (2) in relation to the disposal.
- (7) For the purposes of subsection (5)(d), a person (“M”) is a member of the family of another person if M is—
- (a) that other person's spouse or civil partner, or
 - (b) a lineal descendant of a grandparent of that other person.
- (8) For the purposes of subsection (7)(b) a relationship by marriage or civil partnership is to be treated as a relationship by blood.
- (9) For the meaning of “relevant disposal”, and for when a relevant disposal is entered into, see section 96.

Commencement Information

16 S. 95 in force for specified purposes at Royal Assent see s. 240(5)(f)

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96 Meaning of “relevant disposal” etc in section 95

- (1) This section applies for the purposes of section 95.
- (2) A disposal of the freehold estate in land is a relevant disposal of the land if it is a disposal with vacant possession.
- (3) A grant or assignment of a qualifying leasehold estate in land is a relevant disposal of the land if it is a grant or assignment with vacant possession.
- (4) If a relevant disposal within subsection (2) or (3) is made in pursuance of a binding agreement to make it, the disposal is entered into when the agreement becomes binding.
- (5) Subject to subsection (4), a relevant disposal within subsection (2) or (3) is entered into when it takes place.
- (6) In this section “qualifying leasehold estate”, in relation to any land, means an estate by virtue of a lease of the land for a term which, when granted, had at least 25 years to run.
- (7) The appropriate authority may by order amend this section.

Commencement Information

- I7** S. 96 in force for specified purposes at Royal Assent see s. 240(5)(f)

VALID FROM 21/09/2012

97 Publicising receipt of notice under section 95(2)

- (1) This section applies if a local authority receives notice under section 95(2) in respect of land included in the authority's list of assets of community value.
- (2) The authority must cause the entry in the list for the land to reveal—
 - (a) that notice under section 95(2) has been received in respect of the land,
 - (b) the date when the authority received the notice, and
 - (c) the ends of the initial moratorium period, the full moratorium period and the protected period that apply under section 95 as a result of the notice.
- (3) If the land is included in the list in response to a community nomination, the authority must give written notice, to the person who made the nomination, of the matters mentioned in subsection (2)(a), (b) and (c).
- (4) The authority must make arrangements for those matters to be publicised in the area where the land is situated.

VALID FROM 21/09/2012

98 Informing owner of request to be treated as bidder

- (1) Subsection (2) applies if—

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- (a) after a local authority has received notice under section 95(2) in respect of land included in the authority's list of assets of community value, and
- (b) before the end of the interim moratorium period that applies under section 95 as a result of the notice,

the authority receives from a community interest group a written request (however expressed) for the group to be treated as a potential bidder in relation to the land.

- (2) The authority must, as soon after receiving the request as is practicable, either pass on the request to the owner of the land or inform the owner of the details of the request.
- (3) In this section “community interest group” means a person who is a community interest group for the purposes of section 95(3) as a result of regulations made under section 95(6) by the appropriate authority.

99 Compensation

- (1) The appropriate authority may by regulations make provision for the payment of compensation in connection with the operation of this Chapter.
- (2) Regulations under subsection (1) may (in particular)—
 - (a) provide for any entitlement conferred by the regulations to apply only in cases specified in the regulations;
 - (b) provide for any entitlement conferred by the regulations to be subject to conditions, including conditions as to time limits;
 - (c) make provision about—
 - (i) who is to pay compensation payable under the regulations;
 - (ii) who is to be entitled to compensation under the regulations;
 - (iii) what compensation under the regulations is to be paid in respect of;
 - (iv) the amount, or calculation, of compensation under the regulations;
 - (v) the procedure to be followed in connection with claiming compensation under the regulations;
 - (vi) the review of decisions made under the regulations;
 - (vii) appeals against decisions made under the regulations.

Commencement Information

18 S. 99 in force for specified purposes at Royal Assent see s. 240(5)(f)

Miscellaneous

VALID FROM 21/09/2012

100 Local land charge

If land is included in a local authority's list of assets of community value—

- (a) inclusion in the list is a local land charge, and

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- (b) that authority is the originating authority for the purposes of the Local Land Charges Act 1975.

101 Enforcement

- (1) The appropriate authority may by regulations make provision—
- (a) with a view to preventing, or reducing the likelihood of, contraventions of section 95(1);
 - (b) as to the consequences applicable in the event of contraventions of section 95(1).
- (2) The provision that may be made under subsection (1) includes (in particular)—
- (a) provision for transactions entered into in breach of section 95(1) to be set aside or to be ineffective;
 - (b) provision about entries on registers relating to land.
- (3) The provision that may be made under subsection (1) includes provision amending—
- (a) legislation, or
 - (b) an instrument made under legislation.
- (4) In subsection (3) “legislation” means—
- (a) an Act, or
 - (b) a Measure or Act of the National Assembly for Wales.

Commencement Information

I9 S. 101 in force for specified purposes at Royal Assent see s. 240(5)(f)

VALID FROM 21/09/2012

102 Co-operation

If different parts of any land are in different local authority areas, the local authorities concerned must co-operate with each other in carrying out functions under this Chapter in relation to the land or any part of it.

103 Advice and assistance in relation to land of community value in England

- (1) The Secretary of State may do anything that the Secretary of State considers appropriate for the purpose of giving advice or assistance—
- (a) to anyone in relation to doing any of the following—
 - (i) taking steps under or for purposes of provision contained in, or made under, this Chapter so far as applying in relation to England, or
 - (ii) preparing to, or considering or deciding whether to, take steps within sub-paragraph (i), or
 - (b) to a community interest group in relation to doing any of the following—
 - (i) bidding for, or acquiring, land in England that is included in a local authority's list of assets of community value,

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- (ii) preparing to, or considering or deciding whether or how to, bid for or acquire land within sub-paragraph (i), or
 - (iii) preparing to, or considering or deciding whether or how to, bring land within sub-paragraph (i) into effective use.
- (2) The things that the Secretary of State may do under this section include, in particular—
- (a) the provision of financial assistance to any body or other person;
 - (b) the making of arrangements with a body or other person, including arrangements for things that may be done by the Secretary of State under this section to be done by that body or other person.
- (3) In this section—
- (a) the reference to giving advice or assistance includes providing training or education,
 - (b) “community interest group” means a person who is a community interest group for the purposes of section 95(3) as a result of regulations made under section 95(6) by the Secretary of State, and
 - (c) the reference to the provision of financial assistance is to the provision of financial assistance by any means (including the making of a loan and the giving of a guarantee or indemnity).

104 Advice and assistance in relation to land of community value in Wales

- (1) The Welsh Ministers may do anything that they consider appropriate for the purpose of giving advice or assistance—
- (a) to anyone in relation to doing any of the following—
 - (i) taking steps under or for purposes of provision contained in, or made under, this Chapter so far as applying in relation to Wales, or
 - (ii) preparing to, or considering or deciding whether to, take steps within sub-paragraph (i), or
 - (b) to a community interest group in relation to doing any of the following—
 - (i) bidding for, or acquiring, land in Wales that is included in a local authority's list of assets of community value,
 - (ii) preparing to, or considering or deciding whether or how to, bid for or acquire land within sub-paragraph (i), or
 - (iii) preparing to, or considering or deciding whether or how to, bring land within sub-paragraph (i) into effective use.
- (2) The things that the Welsh Ministers may do under this section include, in particular—
- (a) the provision of financial assistance to any body or other person;
 - (b) the making of arrangements with a body or other person, including arrangements for things that may be done by the Welsh Ministers under this section to be done by that body or other person.
- (3) In this section—
- (a) the reference to giving advice or assistance includes providing training or education,
 - (b) “community interest group” means a person who is a community interest group for the purposes of section 95(3) as a result of regulations made under section 95(6) by the Welsh Ministers, and

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- (c) the reference to the provision of financial assistance is to the provision of financial assistance by any means (including the making of a loan and the giving of a guarantee or indemnity).

VALID FROM 21/09/2012

105 Crown application

This Chapter binds the Crown.

Interpretation of Chapter

106 Meaning of “local authority”

- (1) In this Chapter “local authority” in relation to England means—
- (a) a district council,
 - (b) a county council for an area in England for which there are no district councils,
 - (c) a London borough council,
 - (d) the Common Council of the City of London, or
 - (e) the Council of the Isles of Scilly.
- (2) The Secretary of State may by order amend this section for the purpose of changing the meaning in this Chapter of “local authority” in relation to England.
- (3) In this Chapter “local authority” in relation to Wales means—
- (a) a county council in Wales, or
 - (b) a county borough council.
- (4) The Welsh Ministers may by order amend this section for the purpose of changing the meaning in this Chapter of “local authority” in relation to Wales.

Commencement Information

I10 S. 106 in force for specified purposes at Royal Assent see s. 240(5)(f)

107 Meaning of “owner”

- (1) In this Chapter “owner”, in relation to land, is to be read as follows.
- (2) The owner of any land is the person in whom the freehold estate in the land is vested, but not if there is a qualifying leasehold estate in the land.
- (3) If there is just one qualifying leasehold estate in any land, the owner of the land is the person in whom that estate is vested.
- (4) If there are two or more qualifying leasehold estates in the same land, the owner of the land is the person in whom is vested the qualifying leasehold estate that is more or most distant (in terms of the number of intervening leasehold estates) from the freehold estate.

Status: Point in time view as at 16/11/2011. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation: Localism Act 2011, CHAPTER 3 is up to date with all changes known to be in force on or before 22 May 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)

- (5) In this section “qualifying leasehold estate”, in relation to any land, means an estate by virtue of a lease of the land for a term which, when granted, had at least 25 years to run.
- (6) The appropriate authority may by order amend this section—
- (a) for the purpose of changing the definition of “owner” for the time being given by this section;
 - (b) for the purpose of defining “owner” for the purposes of this Chapter in a case where, for the time being, this section does not define that expression.

Commencement Information

I11 S. 107 in force for specified purposes at Royal Assent see s. 240(5)(f)

108 Interpretation of Chapter: general

- (1) In this Chapter—
- “appropriate authority”—
- (a) in relation to England means the Secretary of State, and
 - (b) in relation to Wales means the Welsh Ministers;
- “building” includes part of a building;
- “community nomination” has the meaning given by section 89(2);
- “land” includes—
- (a) part of a building,
 - (b) part of any other structure, and
 - (c) mines and minerals, whether or not held with the surface;
- “land of community value” is to be read in accordance with section 88;
- “local authority” is to be read in accordance with section 106;
- “owner”, in relation to any land, is to be read in accordance with section 107;
- “unsuccessful”, in relation to a community nomination, has the meaning given by sections 90(5) and 92(4)(b)(i).
- (2) For the meaning of “list of assets of community value” see section 87(2).
- (3) For the meaning of “list of land nominated by unsuccessful community nominations” see section 93(2).

Commencement Information

I12 S. 108 in force for specified purposes at Royal Assent see s. 240(5)(f)

Status:

Point in time view as at 16/11/2011. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation:

Localism Act 2011, CHAPTER 3 is up to date with all changes known to be in force on or before 22 May 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.