



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.

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.
- (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;

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- (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.

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.
- (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;

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- (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.

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.
- (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.

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.
- (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.