



Housing and Planning Act 2016

2016 CHAPTER 22

PROSPECTIVE

PART 8

PUBLIC AUTHORITY LAND

207 Engagement with public authorities in relation to proposals to dispose of land

- (1) A Minister of the Crown must, in developing proposals for the disposal of the Minister's interest in any land, engage on an ongoing basis with—
 - (a) each local authority in whose area the land is situated, and
 - (b) each public authority that is specified, or of a description specified, in regulations.
- (2) A relevant public authority must, in developing proposals for the disposal of the authority's interest in any land, engage on an ongoing basis with other relevant public authorities.
- (3) In subsection (2), “relevant public authority” means a public authority that is specified, or of a description specified, in regulations.
- (4) A person who is subject to a duty under subsection (1) or (2) must have regard to any guidance given by the Minister for the Cabinet Office about how the duty is to be complied with.
- (5) Subsections (1) and (2) do not apply in relation to proposals in respect of land that is specified, or of a description specified, in regulations.
- (6) Regulations under subsection (3) may not be made so as to require a public authority to carry out engagement under subsection (2)—
 - (a) in relation to proposals for the disposal of an interest in land in Scotland, unless the authority is—

Status: Point in time view as at 01/04/2019. This version of this part contains provisions that are prospective.

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(i) a body to which paragraph 3 of Part 3 of Schedule 5 to the Scotland Act 1998 applies, or

(ii) Her Majesty's Revenue and Customs,^{F1}...

^{F2}(b)

[^{F3}(6A) Regulations under subsection (3) may not be made so to require a devolved Welsh authority to carry out engagement under subsection (2).]

(7) In this section—

“interest” means a freehold or leasehold interest;

“local authority” means—

(a) a county council,

(b) a county borough council,

(c) a district council,

(d) a London borough council,

(e) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,

(f) the Common Council of the City of London (in its capacity as a local authority),

(g) the Council of the Isles of Scilly, or

(h) the council for a local government area in Scotland;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act);

“public authority” means a person with functions of a public nature;

“regulations” means regulations made by the Minister for the Cabinet Office.

[^{F4}“devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).]

Textual Amendments

F1 Word in s. 207(6)(a) omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 111\(2\)\(a\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)

F2 S. 207(6)(b) omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 111\(2\)\(b\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)

F3 S. 207(6A) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 111\(3\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)

F4 Words in s. 207(7) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 111\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)

208 Duty of public authorities to prepare report of surplus land holdings

(1) A relevant public authority must, in respect of each reporting period, prepare and publish a report containing details of surplus land in England and Wales.

(2) A relevant public authority must, in respect of each reporting period, prepare and publish a report containing details of surplus land in Scotland.

(3) For the purposes of this section, land is “surplus land” in relation to a relevant public authority if—

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- (a) the authority owns an interest in the land,
 - (b) the authority has determined that the land is surplus to its requirements, and
 - (c) the authority first determined that the land was surplus to its requirements—
 - (i) in the case of land used wholly or mainly for residential purposes, at any time before the beginning of the period of 6 months ending with the last day of the reporting period, and
 - (ii) in the case of other land, at any time before the beginning of the period of two years ending with that day.
- (4) In this section, “relevant public authority” means—
- (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975), or
 - (b) a public authority that is specified, or of a description specified, in regulations.
- (5) In determining whether land is surplus to its requirements, and in carrying out its other functions under this section, a relevant public authority must have regard to guidance given by the Secretary of State.
- (6) A report prepared by a relevant public authority must explain why the authority has not disposed of surplus land.
- (7) Regulations may provide that the definition of “surplus land” in subsection (3) applies in relation to public authorities that are specified, or of a description specified, in the regulations as if subsection (3)(c) were omitted.
- (8) Regulations may provide that the duty under subsection (1) or (2) does not apply in respect of specified land or descriptions of land.
- (9) Regulations may make further provision about reports under this section, including—
- (a) provision about their form and timing,
 - (b) provision specifying information to be included in reports, and
 - (c) provision about their publication.
- [^{F5}(10) Regulations may not specify a devolved Welsh authority for the purposes of subsection (1).]
- (11) Regulations may not specify a public authority for the purposes of subsection (2) unless it is—
- (a) a body to which paragraph 3 of Part 3 of Schedule 5 to the Scotland Act 1998 applies, or
 - (b) Her Majesty's Revenue and Customs.
- (12) In this section—
- “interest” means a freehold or leasehold interest;
 - “public authority” means a person with functions of a public nature;
 - “regulations” means regulations made by the Secretary of State;
 - “reporting period” means the period (not exceeding 12 months) specified by or determined in accordance with regulations.
- [^{F6}“devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).]

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Textual Amendments

- F5** S. 208(10) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 112(2)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)
- F6** Words in s. 208(12) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 112(3)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)

209 Power to direct bodies to dispose of land

(1) Section 98 of the Local Government, Planning and Land Act 1980 (disposal of land at direction of Secretary of State) is amended as follows.

(2) Before subsection (1) insert—

“(A1) Where a body to which this Part applies is a relevant public authority, the Secretary of State may in specified circumstances direct the body to take steps for the disposal of the body's freehold or leasehold interest in any land or any lesser interest in the land.

(B1) In subsection (A1)—

- (a) “relevant public authority” has the same meaning as in section 208 of the Housing and Planning Act 2016;
- (b) “specified” means specified by the Secretary of State in regulations made by statutory instrument;
- (c) the reference to steps for the disposal of an interest in land is a reference to steps which it is necessary to take to dispose of the interest and which it is in the body's power to take.”

(3) After subsection (9) insert—

“(10) A statutory instrument containing regulations made by virtue of subsection (A1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

210 Reports on improving efficiency and sustainability of buildings owned by local authorities

(1) Each authority listed in Schedule 20 must prepare, in respect of each year (beginning with 2017), a report containing a buildings efficiency and sustainability assessment.

(2) A “buildings efficiency and sustainability assessment” is an assessment of the progress made by the authority, in the year to which the report relates, towards improving the efficiency and contribution to sustainability of buildings that are part of the authority's estate.

(3) A report must, in particular, include an assessment of the progress made by the authority, in the year to which the report relates, towards—

- (a) reducing the size of the authority's estate, and
- (b) ensuring that buildings that become part of the authority's estate fall within the top quartile of energy performance.

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- (4) If a building that does not fall within the top quartile of energy performance becomes part of the authority's estate in the year to which the report relates, the report must explain why the building has nevertheless become part of the authority's estate.
- (5) A report under this section must be published not later than 1 June in the year following the year to which it relates.
- (6) In carrying out its functions under this section, an authority must have regard to guidance given by the Minister for the Cabinet Office.
- (7) For the purposes of this section, a building is part of an authority's estate if—
 - (a) the building is situated in the authority's area, and
 - (b) the authority has a freehold or leasehold interest in the building.
- (8) The Minister for the Cabinet Office may by regulations provide for buildings of a specified description to be treated as being, or as not being, part of an authority's estate for the purposes of this section.
- (9) In this section, “building” means a building that uses energy for heating or cooling the whole or any part of its interior.

211 Reports on improving efficiency and sustainability of buildings in military estate

- (1) Section 86 of the Climate Change Act 2008 (report on the civil estate) is amended as follows.
- (2) In subsection (1)—
 - (a) the text from “buildings” to the end becomes paragraph (a), and
 - (b) after that paragraph insert “, and
(b) buildings that are part of the military estate.”
- (3) In subsection (2)—
 - (a) in paragraph (a), after “estate” insert “ and the military estate ”, and
 - (b) in paragraph (b), after “estate” insert “ or the military estate ”.
- (4) In subsection (3)—
 - (a) after “estate”, in the first place it occurs, insert “ or the military estate ”, and
 - (b) for “civil estate”, in the second place it occurs, insert “ the estate in question ”.
- (5) After subsection (7) insert—
 - (7A) For the purposes of this section, a building is part of the military estate if—
 - (a) it is not part of the civil estate,
 - (b) the Secretary of State has a freehold or leasehold interest in the building, and
 - (c) it is used by or for the purposes of Her Majesty's armed forces.
 - (7B) The Minister for the Cabinet Office may by order provide for buildings of a specified description to be treated as being, or as not being, part of the military estate for the purposes of this section.”
- (6) In subsection (8), for “Any such order” substitute “ An order under subsection (7) or (7B) ”.

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(7) In the heading, after “estate” insert “ and the military estate ”.

Status:

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