STATUTORY INSTRUMENTS

1976 No. 417

COMMUNITY LAND

The Community Land (Register of Land Holdings) (England) Regulations 1976

Made - - - -	*15th March* 1976
Coming into Operation	*6th April* 1976

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 46(1) and (2) and 53(2) of the Community Land Act 1975**(a)**, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Application, commencement, citation and interpretation

1.—(1) These regulations apply to England, come into operation on 6th April 1976 and may be cited as the Community Land (Register of Land Holdings) (England) Regulations 1976.

(2) The Interpretation Act 1889**(b)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

The Register

2. Every authority shall keep a register recording their acquisitions, holdings and disposals of land to which these regulations apply.

Kinds of land to be registered

3.—(1) These regulations apply to land acquired by an authority on or after 6th April 1976 unless—

(*a*) the acquisition was in pursuance of a contract for that acquisition which was entered into before 6th April 1976; or

(*b*) at the date of the acquisition the authority did not intend to dispose of a material interest in any of the land.

(2) Where, at the date of acquisition of any land—

(*a*) the authority intended to dispose of a material interest in some ascertained part of the land, but

(*b*) the authority did not intend to dispose of a material interest in the remainder of the land,

these regulations shall apply to that part of the land falling within (*a*) above as it applies to land falling within (1) above but these regulations shall not apply to that part of the land falling within (*b*) above.

(a) 1975 c. 77. (b) 1889 c. 63.

(3) Where an authority dispose of a material interest in any land acquired by them on or after 6th April 1976, these regulations shall apply to that land (whether or not they would otherwise have so applied) unless—

(*a*) the acquisition was in pursuance of a contract for that acquisition which was entered into before 6th April 1976; or

(*b*) the amount or value of the consideration for the disposal or of the material interest disposed of does not exceed £3,000, and the disposal does not form part of a larger disposal or of a series of disposals in respect of which the amount or value or the aggregate amount or value of the consideration or of the material interest disposed of exceeds £3,000.

(4) If an authority cease to hold any material interest in land to which these regulations apply, on the expiration of a period of 10 years from the date on which the authority last held a material interest in that land, these regulations shall cease to apply to that land.

Form of the register

4. The register shall contain an index (incorporating a plan) for enabling a person to trace any entry in the register, and shall otherwise be kept in such a form as to facilitate compliance with the duty referred to in regulation 6 hereof.

Particulars to be contained in the register

5. The register shall contain the following particulars in respect of land to which these regulations apply—

(1) a brief description of the land such that the land may easily be identified;

(2) the area of the land;

(3) the nature of the interest held by the authority and where the interest is a leasehold interest, the length of the lease and the date of expiry;

(4) the date the land was acquired by the authority and the date on which the authority entered on and took possession of the land;

(5) the powers under which the land was acquired and is currently held;

(6) the person from whom the land was acquired;

(7) a brief description of any planning permission in force as respects the land, and the reference number of such permission;

(8) the use (if any) to which the land and any buildings on the land are currently put;

(9) details of any proposals which the authority have for the development of the land or for its disposal whether in part, in whole or as part of a larger scheme of development;

(10) Where an authority enter into an agreement with any person ("the builder") whereby the builder agrees to erect or cause to be erected dwellinghouses on the land covered by the agreement and the authority agree that on the completion of a dwellinghouse in accordance with the agreement, the authority will dispose of a material interest in the land comprising that dwellinghouse to a person nominated by the builder—

(*a*) the date of the agreement,

(*b*) a brief description of the land covered by the agreement and of the area of that land,

(*c*) the name and address of any party to the agreement (other than the authority) and of any person to whom any right under the agreement has been assigned,

(*d*) the method by which the authority determined to enter into agreement with the person mentioned in (*c*) above (whether, for example, by direct negotiation, auction or competitive tender) and whether that person had made an application to the authority under paragraph 2 of Schedule 6 to the Community Land Act 1975.

(11) Where a material interest in the land is disposed of (other than a material interest in land on which a dwellinghouse is erected, disposed of in pursuance of an agreement referred to in (10) above)—

(*a*) the date of disposal,

(*b*) the nature of the interest disposed of, including a brief description of the land in which it subsists, and the area of that land,

(*c*) the person to whom the interest was disposed of;

(*d*) the method by which the authority reached agreement with the person mentioned in (*c*) above to dispose of the land (whether, for example, by direct negotiation, auction or competitive tender) and whether that person had made an application to the authority under paragraph 2 of Schedule 6 to the Community Land Act 1975;

(*e*) the class of development for which the land was made available.

Public inspection of the register

6. The register shall be kept at the principal office of the authority and shall be available there at all reasonable hours for public inspection without payment.

Signed by authority of
the Secretary of State,
15th March 1976.

John Silkin,
Minister for Planning and Local Government,
Department of the Environment.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations provide for each authority under the Community Land Act 1975 to keep a register of their land acquisitions, holdings and disposals. They prescribe the kinds of land to be registered, the form of the register and the particulars to be contained in it. The Regulations also provide that the register shall be available for public inspection at the principal office of the authority at all reasonable hours.

SI 1976/417
ISBN 0-11-060417-2

