



# Local Government in Scotland Act 2003

## 2003 asp 1

### PART 1

#### BEST VALUE AND ACCOUNTABILITY

##### *Disposal of land for less than full value*

#### **11 Disposal of land by local authorities for less than full value**

(1) In section 74 of the 1973 Act—

- (a) in subsection (2) (prohibition of disposal of land for less than best consideration reasonably obtainable except with consent) for the words “with the consent of the Secretary of State,” there is substituted “in accordance with regulations under subsection (2C) below,”;
- (b) after subsection (2) there are inserted the following subsections—

“(2A) Subsection (2) does not extend to a disposal where—

- (a) the best consideration that can reasonably be obtained is less than the threshold amount; or
- (b) the difference between that consideration and the proposed consideration is less than the marginal amount.

(2B) The Scottish Ministers shall, by regulations, fix the threshold amount and the marginal amount for the purposes of subsection (2A) above.

(2C) The Scottish Ministers may, by regulations, provide as to the circumstances in which and procedure by which local authorities may, under this section, dispose of land for a consideration less than the best that can reasonably be obtained.

(2D) Those regulations may include provision—

- (a) requiring a local authority proposing to dispose of land at less than the best consideration that can reasonably be obtained to appraise and compare the costs and other disbenefits and the benefits of the proposal;

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*Status: This is the original version (as it was originally enacted).*

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- (b) requiring the local authority, before deciding in favour of the proposal, to be satisfied that so deciding would be reasonable; and
    - (c) setting out factors to which the local authority must have regard when considering whether its decision would be reasonable.
  - (2E) References in this section to the best consideration that can reasonably be obtained by a local authority are references to that consideration as assessed by a suitably qualified valuer.
  - (2F) In appointing and instructing a suitably qualified valuer for the purposes of subsection (2E) above, the local authority shall have regard to any guidance provided by the Scottish Ministers on—
    - (a) what are suitable qualifications;
    - (b) what factors are to be or not to be taken into account by the valuer in assessing the consideration referred to in that subsection.
  - (2G) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
  - (2H) Before making such regulations, the Scottish Ministers shall consult such associations of local authorities and such other persons as they think fit.”.
- (2) In section 36(20) (power of the fire authorities and joint fire boards to sell land but only with ministerial consent) of the Fire Services Act 1947 (c. 41) the words “with the consent of the Secretary of State” are repealed.