



Localism Act 2011

2011 CHAPTER 20

PART 5

COMMUNITY EMPOWERMENT

CHAPTER 3

ASSETS OF COMMUNITY VALUE

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),

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- (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,
 - (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.

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.

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.

98 Informing owner of request to be treated as bidder

- (1) Subsection (2) applies if—
 - (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,

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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.