



# Derelict Land Act 1982

## 1982 CHAPTER 42

### **1 Powers of Secretary of State.**

- (1) Subject to the provisions of this section, where it appears to the Secretary of State that steps should be taken for the purpose of—
- (a) reclaiming or improving any land to which this sub-section applies; or
  - (b) enabling any such land to be brought into use,
- he may, with the consent of the Treasury, pay to any person out of money provided by Parliament grants of such amounts and payable at such time and subject to such conditions as he may from time to time determine in respect of relevant expenditure which is incurred by that person.
- (2) Subsection (1) above applies to—
- (a) land which is derelict, neglected or unsightly; and
  - (b) in relation to a local authority in whose area it is situated, land which is not derelict, neglected or unsightly but is likely to become so by reason of actual or apprehended collapse of the surface as the result of the carrying out of relevant operations which have ceased to be carried out.
- (3) In subsection (1) above “relevant expenditure” means expenditure which is incurred, with the approval of the Secretary of State, after the commencement of this Act in or in connection with—
- (a) the carrying out, for the purpose mentioned in that subsection, of any works on the land to which that subsection applies or any other land;
  - (b) the carrying out of a survey of the land to which that subsection applies for determining whether any works for that purpose should be undertaken (whether or not such works are carried out); and
  - (c) in relation to a local authority in whose area the land to which that subsection applies is situated, the acquisition, for that purpose, of that land or any other land.
- (4) Grants under this section may be made in such manner as appears to the Secretary of State to be requisite.

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- (5) Where the land to which subsection (1) applies is in a development area or intermediate area, the amount of the grant which may be paid under this section to any person shall not exceed—
  - (a) the prescribed percentage of the relevant expenditure; or
  - (b) in the case of a periodical grant in respect of costs from time to time incurred or treated as incurred in respect of the borrowing of money to defray the relevant expenditure, the prescribed percentage of the costs so incurred or treated as incurred.

In this subsection “the prescribed percentage” means—

- (a) where the applicant for the grant is a local authority in whose area the land to which subsection (1) above applies is situated, 100 per cent.;
- [<sup>F1</sup>(b) in any other case, 80 per cent. or such other percentage as may be prescribed by order made by the Secretary of State with the consent of the Treasury.]

- (6) Where the land to which subsection (1) applies is not in a development area or intermediate area, the amount of the grant which may be paid under this section to any person shall not exceed—
  - (a) the prescribed percentage of the relevant expenditure; or
  - (b) in the case of a periodical grant in respect of costs from time to time incurred or treated as incurred in respect of the borrowing of money to defray the relevant expenditure, the prescribed percentage of the costs so incurred or treated as incurred.

In this subsection “the prescribed percentage” means—

- (a) where the land to which subsection (1) applies is in a National Park or an area of outstanding natural beauty and the applicant for the grant is a local authority in whose area that land is situated, 75 per cent.;
- (b) in any other case, 50 per cent.

[<sup>F2</sup>( 6A ) <sup>F3</sup>.....]

- (7) Subject to subsection (8) below, the Secretary of State may by order provide that the foregoing provisions of this section shall have effect in relation to land in any locality specified in the order as they have effect in relation to land in a development area or intermediate area; and any locality so specified shall be known as a derelict land clearance area.
- (8) The Secretary of State shall not make an order under subsection (7) above with respect to any locality unless—
  - (a) he is of the opinion that the economic situation in the locality is such that the making of the order would be particularly appropriate with a view to contributing to the development of industry in the locality; or
  - (b) the Treasury have consented to the making of the order.
- (9) Where at any time—
  - (a) a locality ceases to be a development area, intermediate area or derelict land clearance area; or
  - (b) an area ceases to be an area of outstanding natural beauty or comprised in a National Park,

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the fact that it is no longer such an area or so comprised shall not affect the amount of grant under this section in any case where the relevant expenditure was approved by the Secretary of State before that time.

(10) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; an order under subsection (5) above may make such transitional provision as appears to the Secretary of State to be necessary or expedient; and section 1(4) of [<sup>F4</sup>the Industrial Development Act 1982] (description by reference to [<sup>F5</sup>areas created or existing for other purposes]) shall apply, subject to the necessary modifications, to any order under subsection (7) above made by virtue of subsection (8)(a) above.

(11) In this section—

“area of outstanding natural beauty” means an area designated as such by an order made under [<sup>F6</sup>section 82 of the Countryside and Rights of Way Act 2000];

“development area” means an area specified as such by an order [<sup>F7</sup>made, or having effect as if made, under section 1 of the Industrial Development Act 1982];

“intermediate area” means an area specified as such by an order so made;

“local authority” means—

(a) a county council, . . . <sup>F8</sup>, a district council, a London borough council or the Common Council of the City of London; <sup>F9</sup> . . .

(b) <sup>F9</sup> . . . . .

“National Park” means an area designated by an order made under section 5(3) of the said Act of 1949;

“relevant operations” means underground mining operations other than operations for the purpose of the working and getting of coal, or of coal and other minerals worked with coal, or for the purpose of getting any product from coal in the course of working and getting coal.

<sup>F10</sup>(12) . . . . .

(13) This section extends to England only.

#### **Textual Amendments**

- F1** S. 1(5): para. (b) in the definition of “the prescribed percentage” substituted for paras. (b) and (c) (10.11.1993) by 1993 c. 28, s. 187(1), **Sch. 21 para. 8**; S.I. 1993/3137, **art. 3**
- F2** S. 1(6A) inserted (1.10.2006) by **Natural Environment and Rural Communities Act 2006** (c. 16), s. 107, **Sch. 11 para. 99**; S.I. 2006/2541, art. 2 (with Sch.)
- F3** S. 1(6A) omitted (26.5.2015) by virtue of **Deregulation Act 2015** (c. 20), s. 115(3)(l), **Sch. 22 para. 7(1)**
- F4** Words substituted by **Industrial Development Act 1982** (c. 52, SIF 64), s. 19, **Sch. 2 para. 19(a)**
- F5** Words substituted by **Co-operative Development Agency and Industrial Development Act 1984** (c. 57, SIF 64), s. 5, **Sch. 1 Pt. II para. 3**
- F6** Words in s. 1(11) substituted (1.4.2001) by 2000 c. 37, s. 93, **Sch. 15 para. 6**; S.I. 2001/114, **art. 2(2)(e)**
- F7** Words substituted by **Industrial Development Act 1982** (c. 52, SIF 64), s. 19, **Sch. 2 para. 19(a)**
- F8** Words repealed by **Local Government Act 1985** (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F9** S. 1(11): in the definition of “local authority” para. (b) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

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**F10** S. 1(12) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. III** (with ss. 137(1), 139(2), 141(1) and 143(2)); S.I. 1998/2244, **art. 4**

**Modifications etc. (not altering text)**

- C1** S. 1 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 7** (with ss. 7(6), 115, 117, Sch. 7 para. 8)
- C2** S. 1(1)-(6) applied (10.1.2001) by S.I. 2000/3270, **art. 2**  
S. 1(1)-(6) applied (30.8.2002) by S.I. 2002/2053, **art. 2(1)**
- C3** S. 1(1)-(6) applied (24.8.2006) by Derelict Land Clearance Area (Briar's Lane, Hatfield) Order 2006 (S.I. 2006/1950), arts. 1, **2(1)**
- C4** S. 1(1)-(6) applied (23.12.2009) by Derelict Land Clearance Area (Drake Gardens, Tavistock) Order 2009 (S.I. 2009/3098), arts. 1, **2**
- C5** S. 1(1)-(6) applied (with modifications) (10.10.2011) by Derelict Land Clearance Area (Highbarns, Hemel Hempstead) Order 2011 (S.I. 2011/2227), arts. 1, **2(1)**
- C6** S. 1(1)-(6) applied (14.12.2011) by Derelict Land Clearance Area (Chantry Lane, Welwyn Hatfield) Order 2011 (S.I. 2011/2562), arts. 1, **2(1)**

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