



Town and Country Planning Act 1959

1959 CHAPTER 53 7 and 8 Eliz 2

PART II

ACQUISITION, APPROPRIATION AND DISPOSAL OF LAND BY LOCAL AUTHORITIES AND OTHER PUBLIC BODIES

26 Exercise of powers of disposing of land.

- (1) Subject to the following provisions of this section, where by any enactment—
- (a) power is conferred on any authority to whom this Part of this Act applies, or on any class of such authorities, to dispose of land, but
 - (b) that power is so conferred subject to a provision (in whatever terms the provision is expressed and whether it is contained in the same or in any other enactment) that the power is not to be exercised except with the consent of a Minister specified in that provision, with or without a further provision enabling conditions to be imposed by such a Minister in respect of the exercise of the power,

the enactment shall have effect, in relation to any exercise of the power after the commencement of this Act by an authority to whom this Part of this Act applies, as if it conferred that power free from any such provision as is mentioned in paragraph (b) of this subsection.

- [^{F1}(2) Before disposing of any land which consists or forms part of an open space, not being land which consists or forms part of a common or of a fuel or field garden allotment, an authority to whom this Part of this Act applies—
- (a) shall publish notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and
 - (b) shall consider any objections to the proposed disposal which may be made to them.]

(3) ^{F2}

- (4) Except with the consent of the Minister of Housing and Local Government, an authority to whom this Part of this Act applies shall not sell, exchange or let any

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land, in the exercise of a power in relation to which subsection (1) of this section has effect, for a price, consideration or rent less than the best price, best consideration or best rent (as the case may be) that can reasonably be obtained, having regard to any restrictions or conditions (including conditions as to payment or the giving of security for payment) subject to which the land is sold, exchanged or let.

- (5) Subsection (1) of this section shall not apply—
- (a)^{F3}
 - [^{F4}(aa) to a disposal for which consent is required under section 32 or 43 of the Housing Act 1985 (disposal of land held for housing purposes);]
 - (b)^{F5}
 - [^{F6}(c) to section 233 of the Town and Country Planning Act 1990 (which relates to the disposal of land for planning purposes)]
 - (d) to any disposal of land which, immediately before the disposal, is land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act;
 - (e) to any local enactment in so far as it provides (in whatsoever terms) that, except with the consent of a Minister specified therein, land shall not be disposed of thereunder for a price, consideration or rent of a value less than the current market value of the interest disposed of;

and subsection (1) of this section shall not operate so as to dispense with any requirement for the consent of the Minister of Agriculture, Fisheries and Food—

- (i) under subsection (7) of section two of the ^{M1}Small Holdings and Allotments Act, 1926, as applied by section twelve of the ^{M2}Agricultural Land (Utilisation) Act, 1931, or under subsection (1) of section six of the said Act of 1926, or
- (ii) in respect of any disposal of land which, immediately before the disposal, is land held for use as allotments;

.....^{F7}

- (6) In determining, for the purposes of subsection (2) of this section, whether a disposal of land under a local enactment is a disposal which apart from this section could not be effected except with the consent of a Minister, any such provision as is mentioned in paragraph (e) of the last preceding subsection shall be disregarded.

- (7)^{F8}

Textual Amendments	
F1	S. 26(2) substituted by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2) , Sch. 23 para. 5
F2	S. 26(3) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:2) , Sch. 34 Pt. XIII
F3	S. 26(5)(a) repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61) , ss. 3, 4, Sch. 1 Pt. I, Sch. 2 para. 3(a)
F4	S. 26(5)(aa) inserted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61) , s. 4, Sch. 2 para. 3(b)
F5	S. 26(5)(b) repealed and superseded by Town and Country Planning Act 1968 (c. 72) , s. 39(2), Sch. 11
F6	S. 26(5)(c) substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1) , s. 4, Sch. 2 para. 6
F7	Words repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:2) , Sch. 34 Pt. XIII

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F8 Ss. 22(5), 23(5), 24(4), 25, 26(7), 29(2), 45(3), 46(4), 47, 50, 52(7), 57(3)(b)(7), 58(7), Sch. 4 Pt. II, Sch. 10 repealed by Statute Law Revision Act 1960 (c. 56)

Modifications etc. (not altering text)

C1 S. 26 extended by Land Drainage Act 1961 (c. 48), s. 32; excluded by Local Government Act 1972 (c. 70), s. 128(3)

C2 S. 26(1) excluded by Town and Country Planning Act 1968 (c. 72), s. 39(1); Town and Country Planning Act 1968 (c.72), s. 39 repealed (*prosp.*) by Housing Act 1980 (c.51, SIF 61), s. 153(4), Sch. 26

C3 S. 26(4) excluded by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 26(5)(a)

Marginal Citations

M1 1926 c. 52.

M2 1931 c. 41.

Changes to legislation:

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