



Town and Country Planning (Scotland) Act 1959

1959 CHAPTER 70 7 and 8 Eliz 2

PART II

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

27 Exercise of powers of disposing of land.

- (1) Subject to the following provisions of this section, where by any enactment—
- 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
 - 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.

- (2) A disposal by an authority to whom this Part of this Act applies [^{F1}of land held for use as allotments, if it is a disposal which apart from this section could not be effected except with the consent of a Minister, shall not be effected except with the consent of the Secretary of State.]

- [^{F2}(2A) Before disposing of any land which consists, or forms part, of a common or of an open space (not being land which is held for use as allotments) an authority to whom this Part of this Act applies—

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1959, Section 27. (See end of Document for details)

- (a) shall, for at least two consecutive weeks in a newspaper circulating in their area, publish a notice of the proposed disposal; and
- (b) shall consider any objections to that disposal which may be made to them.]
- (3) F3
- [^{F4}(4) Subject to the provisions of this Act, section 74(2) of the Local Government (Scotland) Act 1973 (consideration for disposal of land) shall apply to any disposal of land by an authority to whom this Part of this Act applies in the exercise of a power in relation to which subsection (1) of this section has effect (not being a power under Part VI of the said Act of 1973) as it applies to the like disposal of land by a local authority in the exercise of any power under the said Part VI.]
- (5) Subsection (1) of this section shall not apply—
- (a) F5
- [^{F6}(b) to [^{F7}section 191 of the Town and Country Planning (Scotland) Act 1997]]
- (c) to any exercise of the powers conferred by [^{F8}section 75(1) of the ^{M1}Local Government (Scotland) Act 1973] (which relates to the disposal in certain circumstances of land forming part of the common good of a burgh); or
- (d) 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 rent, price ^{F9}... or other consideration of a value less than the current market value thereof.
- (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 (d) of the last preceding subsection shall be disregarded.

Textual Amendments

- F1** Words substituted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), [Sch. 3 para. 3\(a\)](#)
- F2** S. 27(2A) inserted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), [Sch. 2 para. 10](#)
- F3** S. 27(3) repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), [Sch. 3 para. 3\(b\)](#), Sch. 4
- F4** S. 27(4) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. 238(2), [Sch. 23 para. 4\(a\)](#)
- F5** S. 27(5)(a) repealed by [Housing \(Scotland\) Act 1966 \(c. 49\)](#), [Sch. 10 Pt. I](#)
- F6** S. 27(5)(b) substituted by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), [Sch. 21 Pt. II](#)
- F7** Words in s. 27(5)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 7\(1\)](#)
- F8** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. 238(2), [Sch. 23 para. 4\(b\)](#)
- F9** Words in s. 27(5)(d) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [Sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

- C1** S. 27(1) excluded by [Housing \(Scotland\) Act 1966 \(c. 49\)](#), s. 145 (6) as amended by [Housing \(Financial Provisions\) \(Scotland\) Act 1972 \(c. 46\)](#), [Sch. 9 para. 7](#)
- C2** S. 27(1) excluded by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 12(7)

Marginal Citations

- M1** 1973 c. 65.

Changes to legislation:

There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1959, Section 27.