

SCHEDULE 3

Regulation 13

Relevant disposals to which section 95(1) of the Act does not apply

1. A disposal pursuant to an order made by a court or by a tribunal established by or under an Act.
- 2.—(1) A disposal made pursuant to a separation agreement made between spouses or civil partners.
(2) A disposal made pursuant to an agreement—
 - (a) made between spouses or civil partners in connection with their separation, or between former spouses or former civil partners, and
 - (b) relating to the care of a child dependent on a party to the agreement.
- 3.—(1) Any disposal made under, or for the purposes of, any statutory provision relating to incapacity.
(2) In this paragraph—
 - (a) “incapacity” includes any of the following (whether temporary or permanent)—
 - (i) physical impairment,
 - (ii) mental impairment, and
 - (iii) lack of, or impairment to, capacity to deal with financial and property matters; and
 - (b) “statutory provision” means any provision contained in an Act or in an instrument made under an Act.
- 4.—(1) Subject to sub-paragraph (2), a disposal—
 - (a) to a particular person in pursuance of a requirement that it should be made to that person under a planning obligation entered into in accordance with section 106 of the Town and Country Planning Act 1990; or
 - (b) made in pursuance of the exercise of a legally enforceable—
 - (i) option to buy,
 - (ii) nomination right,
 - (iii) right of pre-emption, or
 - (iv) right of first refusal.
(2) A disposal is not within sub-paragraph (1)(a) if it is of land that was listed when the obligation was entered into; and a disposal is not within sub-paragraph (1)(b) if it is of land that was listed when the option or right was granted.
- 5.—(1) A disposal by a transferor, “T”, to a former owner, where both the conditions in paragraph (2) are satisfied.
(2) The conditions referred to in paragraph (1) are that—
 - (a) the land was acquired by T or by a predecessor in title of T by a purchase that was a statutory compulsory purchase (“the original purchase”); and
 - (b) T has made a first offer of the land to the former owner, in accordance with an obligation to offer back the land to the former owner before disposing of the land on the open market.
- (3) In this paragraph—
 - (a) “former owner” means—
 - (i) the person, “P”, from whom the land was acquired under the original purchase; or

(ii) a successor to P; and

- (b) “successor” means the person on whom the land, had it not been acquired by T or a predecessor of T, would clearly have devolved under P’s will or intestacy, and includes a person who has succeeded, otherwise than by purchase, to adjoining land from which the land was severed by the original purchase.

6.—(1) Disposal in exercise of a power of sale of the land by a person who has that power by way of security for a debt.

(2) The reference in sub-paragraph (1) to a power of sale includes in particular a power implied by virtue of section 101(1)(i) of the Law of Property Act 1925⁽¹⁾.

7. A disposal pursuant to insolvency proceedings as defined by Rule 13.7 of the Insolvency Rules 1986⁽²⁾.

8. A disposal of land to a person whose acquisition of the land is a statutory compulsory purchase.

9. A grant of a tenancy of the land pursuant to the provisions of Part 4 of the Agricultural Holdings Act 1986⁽³⁾.

10.—(1) A disposal by one body corporate to another, where the second one is a group undertaking in relation to the first.

(2) In this paragraph, “group undertaking” has the meaning given by section 1161(5) of the Companies Act 2006⁽⁴⁾.

11.—(1) A part-listed disposal as specified in section 95(5)(e) of the Act where, subject to sub-paragraphs (2) and (3), the following conditions are satisfied with regard to the land which is being disposed of—

- (a) the land is owned by a single owner; and
- (b) every part of the land can be reached from every other part without having to cross land which is not owned by that single owner.

(2) Sub-paragraph (1)(b) is satisfied where a part of the land cannot be reached from every other part of the land by reason only of intervening land in other ownership on which there is a road, railway, river or canal, provided that the additional requirement in sub-paragraph (3) is met.

(3) The additional requirement referred to in sub-paragraph (2) is that it would be reasonable to think that sub-paragraph (1)(b) would be satisfied if the intervening land were to be removed leaving no gap.

12. A disposal of a church, together with any land annexed or belonging to it, pursuant to a scheme under Part 6 of the Mission and Pastoral Measure 2011⁽⁵⁾.

13.—(1) A disposal by any person for the purpose of enabling health service provision to continue to be provided on the land.

(1) [1925 c.20](#). The application of section 101(1)(i) was affected by the insertion of sub-section (1A) by paragraph 2 of Schedule 5 to the Commonhold and Leasehold Reform Act [2002 \(c.15\)](#).

(2) [S.I. 1986/1925](#).

(3) [1986 c.5](#). Part 4 of this Act makes provision for succession on the death or retirement of a tenant of an agricultural holding.

(4) [2006 c.46](#).

(5) [2011 No. 3](#). Part 6 of this Measure, which comes into force on 1st July 2012, concerns redundant churches and replaces Part 3 of the Pastoral Measure [1983 No. 1](#).

(2) In this paragraph, “health service provision” means services provided as part of the health service continued under section 1(1) of the National Health Service Act 2006(6).

14.—(1) A disposal of land to be held for the purposes of—

- (a) subject to sub-paragraph (2), a school as defined in section 4 of the Education Act 1996(7);
- (b) a 16 to 19 Academy(8); or
- (c) an institution within the further education sector as defined in section 91(3) of the Further and Higher Education Act 1992(9).

(2) For the purposes of sub-paragraph (1)(a), “school” does not include an independent school other than one in respect of which Academy arrangements have been entered into by the Secretary of State under section 1 of the Academies Act 2010.

(3) For the purposes of sub-paragraph (2), “independent school” has the meaning given in section 463(10) of the Education Act 1996.

15. A disposal which is subject to a statutory requirement regarding the making of the disposal, where that requirement could not be observed if the requirements of section 95(1) of the Act were complied with.

(6) [2006 c.41](#). A new version of section 1 is substituted by section 1 of the Health and Social Care Act [2012 \(c.7\)](#), on a date to be specified by the Secretary of State by order. The new wording of section 1(1) of the 2006 Act is not significantly different for the purposes of these Regulations.

(7) [1996 c.56](#). Section 4 has been amended by section 51 of, and paragraph 10(b) of Schedule 7 and Schedule 8 to, the Education Act [1997 \(c.44\)](#); by section 95(1), (2) and (3) of the Childcare Act [2006 \(c.21\)](#); by Part 3 of Schedule 22 to the Education Act [2002 \(c.32\)](#); by paragraph 9(1), (2)(a) and (2)(b) of Schedule 13 to the Education Act [2011 \(c.21\)](#); and by [S.I. 2010/1080](#).

(8) A “16 to 19 Academy” is an educational institution which meets the requirements of section 1B of the Academies Act [2010 \(c.32\)](#). Section 1B was inserted into that Act by section 53(7) of the Education Act 2011, with effect from 1st April 2012 (commenced by [S.I. 2012/924](#)).

(9) [1992 c.13](#). Amendments to section 91(3) have been made by paragraphs 1 and 13(1) and (3) of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act [2009 \(c.22\)](#).

(10) Section 463 was substituted by section 172 of the Education Act 2002, and has been amended by [S.I. 2010/1158](#).