

GROWTH AND INFRASTRUCTURE ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Promoting growth and facilitating provisions of infrastructure, and related matters

Section 8: Disposals of land held for planning purposes

56. This section amends section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes) by providing for the Secretary of State to grant general consent for disposals as well as specific consent upon receipt of an application from a local authority.
57. Subsection (2) enables the Secretary of State to give consent generally for the disposal of land at less than the best consideration reasonably obtainable. Such consent may be granted by reference to:
- any particular disposal or disposals, or in relation to a particular class of disposals;
 - local authorities generally, or local authorities of a particular class, or to any particular local authority or authorities, and
 - either unconditionally or subject to conditions (either generally or in relation to any particular disposal or disposals or class of disposals).
58. Subsection (3) applies the protection for purchasers in respect of certain land transactions contained in section 128(2) of the Local Government Act 1972 to all purchasers of land disposed of by local authorities under section 233 of the 1990 Act. Such transactions will not be void where a local authority has failed to obtain the relevant consent and a prospective purchaser will not have to enquire whether the disposing local authority has obtained the necessary consent. Section 29 of the Town and Country Planning Act 1959, which also provides protection to purchasers of land from local authorities in certain circumstances, has therefore been disapplied.