

## SCHEDULE 1

Regulation 3

Land which is not of community value (and therefore may not be listed)

1.—(1) Subject to sub-paragraph (5) and paragraph 2, a residence together with land connected with that residence.

(2) In this paragraph, subject to sub-paragraphs (3) and (4), land is connected with a residence if—

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

(3) Sub-paragraph (2)(b) is satisfied where a part of the land cannot be reached from the residence 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 (4) is met.

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

(5) Land which falls within sub-paragraph (1) may be listed if—

- (a) the residence is a building that is only partly used as a residence; and
- (b) but for that residential use of the building, the land would be eligible for listing.

2. For the purposes of paragraph 1 and this paragraph—

(a) “residence” means a building used or partly used as a residence;

(b) a building is a residence if—

- (i) it is normally used or partly used as a residence, but for any reason so much of it as is normally used as a residence is temporarily unoccupied;
- (ii) it is let or partly let for use as a holiday dwelling;
- (iii) it, or part of it, is a hotel or is otherwise principally used for letting or licensing accommodation to paying occupants; or
- (iv) it is a house in multiple occupation as defined in section 77 of the Housing Act 2004<sup>(1)</sup>; and

(c) a building or other land is not a residence if—

- (i) it is land on which currently there are no residences but for which planning permission or development consent has been granted for the construction of residences;
- (ii) it is a building undergoing construction where there is planning permission or development consent for the completed building to be used as a residence, but construction is not yet complete; or
- (iii) it was previously used as a residence but is in future to be used for a different purpose and planning permission or development consent for a change of use to that purpose has been granted.

3. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960<sup>(2)</sup>, or would be so required if paragraphs 1, 4, 5 and 10 to 11A of Schedule 1 to that Act were omitted.

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(1) c. 34.

(2) 1960 c.62. Paragraph 11A of Schedule 1 was inserted by section 176 of the Local Government, Planning and Land Act 1980 (c.65).

4. Operational land as defined in section 263 of the Town and Country Planning Act 1990<sup>(3)</sup>.

## SCHEDULE 2

Regulation 10 and regulation 16

### Procedure for listing review and compensation review

#### Time for requesting a listing review

1.—(1) Except as specified in sub-paragraph (2), a request for a listing review must be made in writing before the end of a period of eight weeks beginning with the day on which written notice of inclusion of the land in the list was given by the responsible authority under section 91(2) of the Act, or such longer period as the authority may in writing allow.

(2) Where the authority takes reasonable alternative steps to bring the notice to the attention of the owner in accordance with section 91(2), a request for a listing review must be made before the end of a period of eight weeks beginning with the day on which the authority completes the taking of those steps.

#### Time for requesting a compensation review

2. A request for a compensation review must be made in writing before the end of a period of eight weeks beginning with the date on which the responsible authority provides the owner with written notification of its reasons in accordance with regulation 14(6), or such longer period as the authority may in writing allow.

#### Procedure for reviews

3. In the following provisions of this Schedule, “the review” means a listing review or a compensation review.

4. An officer of the authority of appropriate seniority who did not take any part in making the decision to be reviewed (“the reviewer”) shall carry out the review and make the review decision.

5.—(1) The owner may appoint any representative (whether legally qualified or not) to act on his or her behalf in connection with the review.

(2) The local authority must provide to the representative any document which is required to be sent to the owner, and need not provide that document separately to the owner.

6. As soon as is practicable following the written request for the review, the authority shall notify the owner of the procedure to be followed in connection with the review.

7.—(1) An oral hearing must be held at the owner’s written request.

(2) Where no written request for an oral hearing is made by the owner, the authority may decide whether or not to include an oral hearing in the review process.

8. Both the owner and the owner’s representative may make representations to the reviewer orally or in writing or both orally and in writing.

9. The authority must complete the review by the end of the period of eight weeks beginning with the date the authority receives the written request for the review, or such longer period as is agreed with the owner in writing.

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(3) 1990 c.8. Section 263 has been amended by paragraph 5 of Schedule 5 to the Transport Act 2000 (c.38); by paragraph 23 of Schedule 6, and Part 2 of Schedule 19 to the Planning and Compensation Act 1991 (c. 34), and by S.I. 2001/1149.

10. The authority and the owner shall each bear their own costs of the review.

### 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<sup>(4)</sup>.

**7.** A disposal pursuant to insolvency proceedings as defined by Rule 13.7 of the Insolvency Rules 1986<sup>(5)</sup>.

**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<sup>(6)</sup>.

**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<sup>(7)</sup>.

**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<sup>(8)</sup>.

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

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(4) [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](#)).

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

(6) [1986 c.5](#). Part 4 of this Act makes provision for succession on the death or retirement of a tenant of an agricultural holding.

(7) [2006 c.46](#).

(8) [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<sup>(9)</sup>.

**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<sup>(10)</sup>;
- (b) a 16 to 19 Academy<sup>(11)</sup>; or
- (c) an institution within the further education sector as defined in section 91(3) of the Further and Higher Education Act 1992<sup>(12)</sup>.

(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<sup>(13)</sup> 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.

#### SCHEDULE 4

Regulation 20

##### Amendments to Land Registration Rules

1. The Land Registration Rules 2003<sup>(14)</sup> are amended as follows.
2. After rule 27, insert—

##### “First registration – where land is or was listed as land of community value

**27A.**—(1) An owner of listed land who applies for first registration of that land, or where rule 21 applies a mortgagee who makes such an application in the name of the owner, must at the same time apply for entry of a restriction in Form QQ in respect of that land.

(2) Where a person applies for first registration of land and any of the deeds and documents accompanying the application (in accordance with rule 24(1)(c)) includes a conveyance or lease to the applicant or to a predecessor in title made at any time when the land was listed land, the applicant must in respect of each such conveyance or lease provide a certificate by a conveyancer that the conveyance or lease did not contravene section 95(1) of the Localism Act 2011.

(3) In this rule—

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- (9) 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.
  - (10) 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.
  - (11) 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).
  - (12) 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).
  - (13) Section 463 was substituted by section 172 of the Education Act 2002, and has been amended by S.I. 2010/1158.
  - (14) S.I. 2003/1417. Rule 27 was amended by S.I. 2008/1919.

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- (a) “listed land” means land entered in a local authority’s list of assets of community value maintained under section 87(1) of the Localism Act 2011, and
  - (b) “owner” has the same meaning as in section 107 of the Localism Act 2011, except that it includes a person who would be such an owner but for the effect of section 7(1) and (2) of the Act.”.
3. In rule 93(15)—
- (a) in paragraph (w), omit the final “and”, and
  - (b) after paragraph (x) add—
    - “(y) a local authority where it has entered land, the title to which is registered, in its list of assets of community value which it maintains in accordance with section 87(1) of the Localism Act 2011, and is applying for a restriction in form QQ to be entered in the register for that land, and
    - (z) a mortgagee under a mortgage falling within section 4(1)(g) of the Act who makes an application for first registration under rule 21, where the estate charged relates to land entered in a local authority’s list of assets of community value maintained under section 87(1) of the Localism Act 2011, and is applying for a restriction in Form QQ to be entered in the register of that estate.”.
4. In rule 94(16), after the end of paragraph (10) add—
- “(11) Where a local authority has entered land in its list of assets of community value which it maintains in accordance with section 87(1) of the Localism Act 2011, an application for a restriction in Form QQ must be made—
- (a) if that land includes a registered estate the proprietor of which is an owner as defined in section 107 of that Act, as soon as practicable by the local authority in respect of that registered estate unless there is an existing restriction in Form QQ in respect of that estate, or
  - (b) if the title to the land is unregistered, where required by rule 27A(1).”.
5. In rule 217(3)(17), for “PP” substitute “QQ”.
6. In Schedule 4(18), at the end (after the end of the provision regarding Form PP) add—
- “Form QQ (Land included in a list of assets of community value maintained under section 87(1) of the Localism Act 2011)
- No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011.”

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(15) Rule 93 was amended by [S.I. 2005/1766](#) and [S.I. 2008/1919](#).

(16) Rule 94 was amended by [S.I. 2008/1919](#).

(17) Rule 217(3) was amended by [S.I. 2008/1919](#).

(18) New text of Schedule 4 was substituted by [S.I. 2008/1919](#), and has subsequently been amended by [S.I. 2010/671](#).