



Housing and Planning Act 2016

2016 CHAPTER 22

PART 8

PUBLIC AUTHORITY LAND

PROSPECTIVE

208 Duty of public authorities to prepare report of surplus land holdings

- (1) A relevant public authority must, in respect of each reporting period, prepare and publish a report containing details of surplus land in England and Wales.
- (2) A relevant public authority must, in respect of each reporting period, prepare and publish a report containing details of surplus land in Scotland.
- (3) For the purposes of this section, land is “surplus land” in relation to a relevant public authority if—
 - (a) the authority owns an interest in the land,
 - (b) the authority has determined that the land is surplus to its requirements, and
 - (c) the authority first determined that the land was surplus to its requirements—
 - (i) in the case of land used wholly or mainly for residential purposes, at any time before the beginning of the period of 6 months ending with the last day of the reporting period, and
 - (ii) in the case of other land, at any time before the beginning of the period of two years ending with that day.
- (4) In this section, “relevant public authority” means—
 - (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975), or
 - (b) a public authority that is specified, or of a description specified, in regulations.

Status: This version of this provision is prospective.

Changes to legislation: Housing and Planning Act 2016, Section 208 is up to date with all changes known to be in force on or before 05 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) In determining whether land is surplus to its requirements, and in carrying out its other functions under this section, a relevant public authority must have regard to guidance given by the Secretary of State.
- (6) A report prepared by a relevant public authority must explain why the authority has not disposed of surplus land.
- (7) Regulations may provide that the definition of “surplus land” in subsection (3) applies in relation to public authorities that are specified, or of a description specified, in the regulations as if subsection (3)(c) were omitted.
- (8) Regulations may provide that the duty under subsection (1) or (2) does not apply in respect of specified land or descriptions of land.
- (9) Regulations may make further provision about reports under this section, including—
 - (a) provision about their form and timing,
 - (b) provision specifying information to be included in reports, and
 - (c) provision about their publication.
- [^{F1}(10) Regulations may not specify a devolved Welsh authority for the purposes of subsection (1).]
- (11) Regulations may not specify a public authority for the purposes of subsection (2) unless it is—
 - (a) a body to which paragraph 3 of Part 3 of Schedule 5 to the Scotland Act 1998 applies, or
 - (b) Her Majesty's Revenue and Customs.
- (12) In this section—
 - “interest” means a freehold or leasehold interest;
 - “public authority” means a person with functions of a public nature;
 - “regulations” means regulations made by the Secretary of State;
 - “reporting period” means the period (not exceeding 12 months) specified by or determined in accordance with regulations.
 - [^{F2}“devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).]

Textual Amendments

- F1** S. 208(10) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 112\(2\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(r\)](#)
- F2** Words in s. 208(12) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 112\(3\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(r\)](#)

Status:

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Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)