

CABINET

DOCUMENTS FOR THE MEMBERS ROOM

Monday, 13th February 2012
at 5.00 pm

MEMBERS ROOM DOCUMENTS ATTACHED TO THE
LISTED REPORTS

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MEMBERS ROOM DOCUMENTS

14 HOUSING REVENUE ACCOUNT LAND SALES

Rights of Access and Garden Land Sales

Friday, 3 February 2012

HEAD OF LEGAL , HR AND DEMOCRATIC SERVICES

The General Housing Consents 2005

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E. The general consent for the disposal of Part II land 2005

The First Secretary of State (“the Secretary of State”), in exercise of his powers under section 32(2) and 34 of the Housing Act 1985 and section 133(1) of the Housing Act 1988 and of all other powers enabling him in that behalf, gives to all local authorities in England the following general consent:

CITATION, COMMENCEMENT, EXTENT AND REVOCATION

E1.1 This consent may be cited as *The General Consent for the Disposal of Part II Land 2005* and shall come into force on 21 March 2005.

E1.2 This consent does not apply to the disposal of any land subject to a notice under section 27AB of the Housing Act 1985 (notice proposing that a local housing authority should enter into a management agreement with a tenant management organisation).

E1.3 *The General Consent for the Disposal of Part II Land 1999* given on 11 February 1999 is hereby revoked.

INTERPRETATION

E2 In this consent, expressions have the same meaning as in *The General Consent for the Disposal of Part II Dwelling-houses 2005* save that:

“disposal” in addition includes:

- (a) the grant of a lease of any duration; and
- (b) the grant of a periodic tenancy.

DISPOSAL OF LAND

E3.1 A local authority may dispose of any land held for the purposes of Part II for the best consideration that can reasonably be obtained, provided that any dwellinghouse included in the disposal:

- (a) is vacant;
- (b) will not be used as housing accommodation; and
- (c) will be demolished.

E3.2 A local authority may dispose of any land held for the purposes of Part II for a consideration determined by the authority where:

The General Housing Consents 2005: Section 32 of the Housing Act 1985

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(a) the land is to be used for any purpose incidental to the enjoyment of a dwelling-house (whether or not the dwelling-house is held for the purposes of Part II); or

(b) the land is to be used for:

- (i) a purpose, other than use as housing accommodation, which does not involve trading for profit and is beneficial to persons, the majority of whom the authority expects to be inhabitants of the estate or neighbourhood in which the land is situated; or
- (ii) a highway or part of a highway; or

(c) the land consists of a room, store or roof void in, or roof surface of, a building divided into flats, and is not part of a flat.

EASEMENTS

E4 A local authority may grant any easement in or over land held for the purposes of Part II for a consideration determined by the authority.

SUBSEQUENT DISPOSALS

E5 The further consent of the Secretary of State shall not be required under section 133 of the Housing Act 1988 to the subsequent disposal of land which has been disposed of in accordance with this consent.

ANNE KIRKHAM

Decent Homes Division

Office of the Deputy Prime Minister

21 March 2005

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