The ‘Crichel Down Rules’ (2026 version)

Introduction

Rules and procedures

1. This guidance sets out the ~~revised~~ non-statutory arrangements (the ‘Crichel Down Rules’) under which surplus government land ~~which~~ that was acquired by, or under a threat of, use of a compulsory~~ion~~ purchase power ~~(see Rule 7 and the annex to this guidance below) should~~is to be offered back to former owners~~, their successors, or to sitting tenants (see Rules 13 and 15, 18 and 19 below)~~. For the sake of brevity, in this guidance all bodies to whom any one or more of the Crichel Down Rules apply, and which are expected to follow the Rules, ~~or are commended~~ are referred to as ~~‘departments’~~‘disposing authorities’~~,~~ whether they are government departments, including Executive Agencies, other non- departmental public bodies, local authorities or other statutory bodies. ~~See Rules 3 and 4 below. The annex~~ Appendix A provides further guidance on the application and interpretation of these Crichel Down Rules~~, including a list of those bodies to which, in the opinion of the Department which published the Rules, the Crichel Down Rules apply in a mandatory manner.~~

2. These Crichel Down Rules apply to~~land in England~~ the following bodies:

   - all government departments (including those holding land in Wales acquired and still owned by a UK government department); and
   - executive agencies and non-departmental public bodies in England and other organisations in England (such as health service bodies) which are subject to a power of direction by a minister and who have powers of compulsory purchase, or who hold land which has been compulsorily purchased.

~~They also apply to land in Wales acquired by and still owned by a UK government department. For other land in Wales, where statutory bodies in Wales seek to dispose of its surplus land acquired under an enabling power which remains capable of being confirmed by a UK Secretary of State, ‘The Crichel Down Rules’ published in 1992 by the Department of the Environment and the Welsh Office (30 October 1992) continue to apply. Departments disposing of land:~~

- ~~in Northern Ireland should follow ‘Disposal of Surplus Public Sector Property in Northern Ireland’ produced by the Central Advisory Unit of the Land and Property Services agency of the Department of Finance and Personnel;~~
- ~~in Scotland they should follow the procedures set out in ‘Scottish Planning Series: Planning Circular 5 2011: Disposal of Surplus Government Land – The Crichel Down Rules’; and~~
- ~~in Wales they should follow the ‘Compulsory Purchase in Wales and ‘The Crichel Down Rules (Wales Version, 2020)’ published by the Welsh Government.~~

3. ~~General guidance on asset management, which includes land and buildings is set out in annex 4.15 of Managing Public Money (Asset Management)~~The following bodies are expected to follow the Crichel Down Rules:

- local authorities and other statutory bodies which are not subject to a ministerial power of direction (for example, statutory undertakers) but who have powers of compulsory purchase, or who hold land which has been compulsorily purchased (including those holding land in Wales acquired under an enabling power which remains capable of being confirmed by a UK government Secretary of State).

4. ~~So far as local authorities and statutory bodies in England are concerned, it is recommended that they follow the Crichel Down Rules. They are also recommended to those bodies in Wales who seek to dispose of land acquired under an enabling power which remains capable of being confirmed by a UK Secretary of State for land in Wales~~. The Crichel Down Rules are also commended to bodies in the private sector to which public land holdings have been transferred, for example on privatisation.

5. These Crichel Down Rules apply to land in England. They also apply to land in Wales acquired by and still owned by a UK government department. For other land in Wales, where disposing authorities in Wales seek to dispose of surplus land acquired under an enabling power which remains capable of being confirmed by a UK Secretary of State, 'The Crichel Down Rules' published in 1992 by the Department of the Environment and the Welsh Office (30 October 1992) continue to apply. Departments disposing of land:

- in Northern Ireland should follow 'Disposal of Surplus Public Sector Property in Northern Ireland' produced by the Central Advisory Unit of the Land and Property Services agency of the Department of Finance and Personnel;
- in Scotland they should follow the procedures set out in 'Scottish Planning Series: Planning Circular 5 2011: Disposal of Surplus Government Land – The Crichel Down Rules'; and
- in Wales they should follow the 'Compulsory Purchase in Wales and 'The Crichel Down Rules (Wales Version, 2020)' published by the Welsh Government.

6. Other guidance which may be relevant to disposing authorities includes:

- guidance on asset management (which includes land and buildings) set out in annex 4.15 of Managing Public Money (Asset Management); and
- guidance on managing surplus government property set out in Managing Surplus Government Property.

~~5.~~7. It is the view of the government that where land is to be transferred to another body which is to take over some or all of the functions or obligations of the department that currently owns the land, the transfer itself does not constitute a disposal for the purpose of the Crichel Down Rules. Disposals for the purposes of Private Finance Initiative/Private Public Partnership projects do not fall within the Crichel Down Rules and the position of any land surplus once the project has been completed

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would be subject to the Private Finance Initiative/Private Public Partnership contract.

~~6.~~8. The Crichel Down Rules are not relevant to land transferred to the National Rivers Authority (now the Environment Agency) or to land acquired compulsorily by the Environment Agency or to the water and sewerage service companies in consequence of the Water Act 1989 or subsequently acquired by them compulsorily. Such land is governed by a special set of statutory restrictions on disposal under section 157 of the Water Resources Act 1991, as amended by the Environment Act 1995, and section 156 of the Water Industry Act 1991 and the consents or authorisations given by the Secretary of State for Environment, Food and Rural Affairs under those provisions.

The land to which the Crichel Down Rules apply

~~7.~~9. The Crichel Down Rules apply to all land[1] if it was acquired by or under threat of compulsion. A threat of compulsion will be assumed in the case of a voluntary sale if a power to acquire the land compulsorily existed at the time of the voluntary sale and the disposing authority had initiated compulsory purchase procedures (see Appendix A for further guidance) unless the land was publicly or privately offered for sale immediately before the negotiations for acquisition.

~~8.~~10. The Crichel Down Rules also apply to land acquired under the:

(a) statutory blight provisions (currently set out in Chapter 2 in Part 6 of, and schedule 13 to, the Town and Country Planning Act 1990); or
(b) severed land provisions (currently set out in Schedule 2A to the Compulsory Purchase Act 1965 or Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 where a counter-notice was served on the disposing authority).

The Crichel Down Rules do not apply to surplus land acquired by agreement in advance of any liability under these provisions.

~~9.~~11. The Crichel Down Rules apply to all freehold disposals only and they do not apply to the ~~creation and~~ disposal of ~~a lease of more than seven years~~ land which was acquired by adverse possession.

The general rules

~~10.~~12. Where a ~~department~~disposing authority wishes to dispose of land to which the Crichel Down Rules apply, ~~former owners will~~the disposing authority is expected to, as a general rule, ~~be given~~ give former owners a first opportunity to repurchase the land previously in their ownership, provided that its character has not materially changed since ~~acquisition~~the date the land was originally acquired by the disposing authority (i.e. the date of acquisition – see Rule 13). Consideration of whether the character of the surplus land has materially changed applies to the whole of the land subject of the disposal rather than on a plot-by-plot basis. The character of the land may be considered to have 'materially changed' where, for example, dwellings or

[1] For the purposes of the operation of these Crichel Down Rules, the definition of "land" includes property.

offices have been erected on open land, mainly open land has been afforested, ~~or where~~ substantial works to an existing building have effectively altered its character, or where land is not capable of its previous use. The erection of temporary buildings on land, however, is not necessarily a material change. ~~When deciding whether any works have materially altered the character of the land, the disposing department should consider the likely cost of restoring the land to its original use.~~

13. When considering whether there has been a material change in the character of surplus land, the 'date of acquisition' will be the earlier of the following dates:

(a) the date of the conveyance, transfer or vesting declaration, or
(b) where known, the date the land was first occupied by the disposing authority if the land was occupied prior to formal acquisition by conveyance, transfer or vesting declaration.

14. When deciding whether any works have materially altered the character of the surplus land, the disposing authority should consider the likely cost of restoring the land to its original use. See paragraph 6 in the Appendix A for further guidance.

~~11.~~15. Where only part of the land for disposal has ~~been~~ materially changed in character, the general obligation to offer back surplus land to former owners will apply only to the part that has not been changed.

Interests qualifying for ~~offer~~the offering back of surplus land

~~12.~~16. Surplus ~~l~~land will normally be offered back to the former freeholder in accordance with Rules 22 - 28 (subject to the general material change in character of land exception (Rules 12 – 15) and the exceptions under Rule 19). If the land was, at the time of acquisition, subject to a long lease and more than 21 years of the term would have remained unexpired at the time of disposal, ~~departments~~disposing authorities may, at their discretion, offer the freehold to the former leaseholder if the freeholder is not interested in buying back the land.

~~13.~~17. In these Crichel Down Rules 'former owner' may, according to the circumstances, mean former freeholder, ~~or~~ former long leaseholder, or tenant of any description. It does not include ~~and~~ their successor unless the former owner was a public body which has~~. 'Successor' means the person on whom the property,~~ had its responsibilities ~~not been acquired, would clearly have~~ devolved ~~under~~ to another public body (i.e. a replacement body). Where the former owner was a public body which has had its responsibilities devolved to a replacement body, the former owner~~'s~~ will be the replacement body. ~~or intestacy; and may include any person who has succeeded, otherwise than by purchase, to adjoining land from which the land was severed by that acquisition.~~For example, county council responsibilities devolved to a unitary authority or 'X NHS Trust' now named as 'Y NHS Trust'. See paragraph 8 in paragraph 8 in Appendix A for guidance on where a former owner is a business.

Time horizon for obligation to offer back surplus land

~~14.~~18. The general obligation to offer back surplus land to former owners will not apply to the following types of land:

~~1) agricultural land acquired before 1 January 1935~~

~~2)~~(a) land which was agricultural land[2] when it was originally acquired ~~on and after 30 October 1992~~ by the disposing authority which becomes surplus~~,~~ and available for disposal more than 25 years after the date of acquisition by the disposing authority; or

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~~3)~~(b) land which was non-agricultural land when it was originally acquired by the disposing authority which becomes surplus~~,~~ and available for disposal more than ~~25~~15 years after the date of acquisition by the disposing authority.

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The date of acquisition is the earlier of the following dates:

- the date of the conveyance, transfer or vesting declaration, or
- where known, the date the land was first occupied by the disposing authority prior to formal acquisition by conveyance, transfer or vesting declaration.

Exceptions from the obligation to offer back surplus land to former owners

~~15.~~19. The following are exceptions to the general obligation to offer back surplus land to the former owner:

~~1)~~ (i) where it is decided ~~on specific ministerial authority~~ by the disposing that the land subject of the disposal is needed by another government department or where land is needed by a third party to undertake an activity or function on behalf of the disposing authority and the transfer is for a purpose which requires the third party to hold the land (i.e. that it is not, in a wider sense, surplus to government requirements), including where the disposing authority is under a legal obligation to transfer the land;

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[2] For the purposes of the operation of these Crichel Down Rules, the term "agricultural land" has the meaning given to that term in section 109 of the Agriculture Act 1947.

2) (ii) where it is decided ~~on specific ministerial authority~~ by the disposing authority that ~~for reasons of public interest~~ the land should be disposed of ~~as soon as practicable~~ to a local authority or other public sector body ~~with compulsory purchase powers~~ where that other authority or body intends to put the land to use for the purpose of a statutory activity or function of that relevant authority or body (which may be ~~. However, transfers of land between bodies with compulsory purchase powers will not be regarded as exceptions unless at the time of transfer the receiving body could have bought the land compulsorily if it had been in private ownership. Appropriations of land within bodies such as local authorities for purposes~~ different from the purpose to that for which the land was originally acquired by the disposing authority); ~~are exceptions if the body has compulsory purchase powers to acquire land for the new purpose~~

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3) (iii) where, in the opinion of the disposing ~~body~~authority, the overall cost to the authority of disposing of the surplus ~~area of l~~and is likely to materially exceed ~~so small that~~ its ~~sale would not be commercially worthwhile~~estimate of the value of the land;

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4) (iv) where it would be mutually advantageous to the ~~department~~disposing authority and an adjoining owner to effect minor adjustments in boundaries through an exchange of land;

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5) (v) where it would be inconsistent with the purpose of the original acquisition to offer the surplus land back; as, for example, in the case of:

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~~(i)~~ (a) land acquired under sections 16, 84 or 85 of the Agriculture Act 1947

~~(ii)~~ (b) land which was acquired under the Distribution of Industry Acts or the Local Employment Acts, or under any legislation amending or replacing those acts, and which is resold for private industrial use

~~(iii)~~ (c) where dwellings are bought for onward sale to a private registered provider of social housing or Registered Social Landlord in Wales

~~(iv~~) (d) sites purchased for redevelopment by the former English Partnerships or former regional development agencies or Homes England

6) (vi) where a disposal is in respect of either:

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~~(i)~~ (a) a site for development or redevelopment which has not materially changed since acquisition and which comprises two or more previous land holdings; or

~~(ii)~~ (b) a site which consists partly of land which has been materially changed in character and part which has not

and there is a risk of a fragmented sale of such a site realising substantially less than the best price that can reasonably be obtained for the site as a whole (i.e. its market value). In such cases, consideration will be given to offering a right of first refusal of the ~~property~~site, or part of the ~~property~~site, to any former owner who has remained in continuous occupation of the whole or part of their former ~~property~~land (by virtue of tenancy or licence). In the case of land to which (~~i~~a) applies, consideration will be given to a consortium of former owners who have indicated a wish to purchase the

land collectively. However, if there are competing bids for a site, it will be disposed of on the open market.;

7) (vii) where the market value of land is so uncertain that clawback provisions would be insufficient to safeguard the public purse and where competitive sale is advised by the department'sdisposing authority's professionally qualified valuer and specifically agreed by the responsible ministera decision of the disposing authority.

16.20. Where it is decidedthe disposing authority decides that a sitedisposal does fall within any of the exceptions in Rule 1519 or the general exception relating to a material change (see Rules 1012 - 15) the authority is expected to record this decision (Rule 33) but is not expected to notify the former owner of its decision. In these circumstances, the former owner will not be notified of thisits decision. In these circumstances, the former owner will not be notified of the disposal of the land or offered back the land. using the same procedures for contacting former owners as indicated in Rules 20-22 below.

17.In the case of a tenanted dwelling, any pre-emptive right of the former owner is subject to the prior right of the sitting tenant. See Rule 18 below.

Dwelling tenancies

18.21. Where a dwelling, whether acquired compulsorilyby, or under the threat of, use of a compulsory purchase power, or under statutory blight or severed land provisions, has a sitting tenant (as defined in Appendix AB) at the time of the proposed disposal, the freehold should in the first instance be offered to the tenantformer owner, although this may be subject to the tenant's continued occupation. If the tenant declines to purchase the freehold, it should then be offered to the former owner, although this may be subject to the tenant's continued occupation. If the former owner declines to purchase the freehold, it should then be offered to the tenant. This Rule does not apply where a dwelling with associated land is being sold as an agricultural unit; or where a dwelling was acquired with associated agricultural land but is being sold in advance of that land.

Procedures for disposal of surplus land

19. 22. Where it is decided that propertysurplus land to be disposed of is, by virtue of these Crichel Down Rules, subject to the obligation to offer back to former owners, departmentsdisposing authorities should follow the appropriate procedures described in Rules 20-25 below23 - 28.

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Disposal of surplus land ~~W~~where the former owner's address is known

~~20.~~ 23. Where the address of a former owner is known, a recorded delivery letter should be sent by or on behalf of the disposing ~~department~~authority, inviting the former owner to buy the ~~pr~~operty~~l~~land at the valuation made by the ~~department~~authority's professionally qualified valuer. The former owner will be given ~~two~~one month~~s~~ from the date of that letter to indicate an intention to purchase. Where there is no response or the former owner does not wish to purchase the ~~property~~land, the disposing authority is expected to proceed to sell~~,~~ it ~~will be sold~~ on the open market ~~and the former owner will be informed by a recorded delivery letter that this step is being taken~~. If the former owner wishes to purchase the land there will be a further period of ~~two~~one month~~s~~ to agree terms, other than value, with the disposing authority from the date of an invitation made by or on behalf of the disposing ~~department~~authority. After these terms are agreed, there will be six weeks to negotiate the price. If the price or other terms cannot be agreed within ~~these periods~~this period, or within such extended periods as may reasonably be allowed (for example, to negotiate appropriate clawback provisions), the ~~property will~~land is expected to be disposed of on the open market.

Disposal of surplus land ~~W~~where the address of the former owner is unknown

~~21.~~24. Where the former owner is not readily traceable, ~~the~~ disposing ~~department will contact the solicitor or agent who acted for the former owner in the original transaction.~~ authorities are expected to use reasonable endeavours to obtain a present address for former owners. The use of reasonable endeavours could include the following:

- If the former owner had professional representation for the original transaction, for example by a solicitor or agent, contacting the former owner's representative (if their details are known) to ascertain a present address for the former owner. When making contact, the disposing authority should make it clear to the representative that the authority will require permission to be given directly by the former owner to allow the authority to be given their contact details and for the authority to contact the former owner. Where details of the former owner's representative are known, the representative should be given four weeks to respond and disposing authorities are not expected to engage in numerous exchanges of correspondence including chasing of replies.
- Reviewing the Land Registry
- Making enquiries with Companies House
- Reviewing acquisition and management files
- Searching the internet and accessing tracing software
- Making enquiries with owners of adjacent land on whether they have details of former owners, ensuring compliance with the General Data Protection Regulations

When undertaking reasonable endeavours, disposing authorities will not be expected to engage in intensive endeavours which could result in an unreasonable amount of additional work being generated.

25. If a present address for the former owner is then ascertained, the procedure described in ~~Rule 20 above~~Rule 23 for contacting and inviting the former owner to purchase the surplus land is expected to ~~should~~ be followed by the disposing authority.

26. ~~If~~Where ~~the~~no present address is identified for a former owner~~not ascertained~~, ~~however, the department will attempt to contact the former owner by advertisement, as set out in Rule 22 below, informing the solicitor or agent that this has been done~~ notices announcing the intention to dispose of the surplus land on the open market on the open market will be

placed and retained for a minimum period of three weeks before the land is disposed of (for all land (including dwellings)) in the following locations:

(a) published on the disposing authority's website, and
(b) affixed on or near the land.

If within the three-week period a former owner:

- identifies themselves to the disposing authority,
- provides a current address to the disposing authority, or
- expresses an interest or intention to the disposing authority to purchase the land in their former ownership,

the procedure described in Rule 23 for inviting the former owner to purchase the surplus land will be followed by the disposing authority and the disposal of the land on the open market will be paused.

~~22.Advertisements inviting the former owner to contact the disposing department will be placed as follows:~~

~~a) for all land (including dwellings), in the London Gazette, in the Estates Gazette, in not less than two issues of at least one local newspaper and on the disposing department's web site~~

~~b) in addition, for agricultural land, advertisements will be placed in the Farmer's Weekly~~

~~Site notices announcing the disposal of the land will be displayed on or near the site and owners of the adjacent land will also receive notification of the proposed disposal.~~

~~Responses to invitation to purchase where address is unknown~~

~~23.~~27. Where there is no ~~intention to purchase is indicated by or on behalf of a former owner~~ response within ~~two~~three ~~months~~weeks of the date of the ~~latest advertisement~~ notice which is published as described in Rule ~~22 above~~26, the surplus land ~~will~~is expected be disposed of on the open market.

~~24. Where an intention to purchase is expressed by or on behalf of a former owner within two months of the date of the latest advertisement, the former owner will be invited to negotiate terms and agree a price within the further periods, as may reasonably be extended, which are described in Rule 20 above. If there is no agreement, the property will be disposed of on the open market.~~

Special procedures where boundaries of agricultural land have been obliterated and surplus land is to be disposed of

~~25.~~ 28. The procedures described in Appendix ~~B~~ C ~~to these Crichel Down Rules~~ should be followed where changes, such as the obliteration of boundaries, prevent land which is still predominantly agricultural in character from being sold back as agricultural land in its original parcels.

Terms of resale

~~26.~~29. Disposals to former owners under these ~~arrangements~~Crichel Down Rules will be at current market value, as determined by the disposing ~~department's~~authority's professionally qualified valuer. There can be no common practice in relation to sales to sitting tenants because of the diversity of interests for which housing is held. ~~Departments~~Disposing authorities will, nonetheless, have regard to the terms set out in the Housing Act 1985~~,~~ (as amended)~~,~~ under which local authorities are obliged to sell dwelling-houses to tenants with the right to buy.

30. For the purposes of disposals of surplus land under these Crichel Down Rules, 'current market value' means the market value (see Rule 32) on the date that the disposing authority first commences negotiations with the former owner for the sale of the land.

~~27.~~ 31. As a general rule, ~~departments~~disposing authorities should obtain planning consent before disposing of ~~properties~~land which ~~have~~has potential for development. Where it would not be practicable or appropriate for ~~departments~~disposing authorities to take action to establish the planning position at the time of disposal, or where it seems that the likelihood of obtaining planning permission (including a more valuable permission) is not adequately reflected in the current market value, the terms of sale should include clawback provisions in order to fulfil the government's or public body's obligation to the taxpayer to obtain the best price. The precise terms of clawback will be a matter for negotiation in each case.

Market value of land to be disposed of under the Crichel Down Rules

32. For the purposes of these Crichel Down Rules, 'market value' means 'the best price reasonably obtainable for the surplus land'. This is equivalent to the definition of 'market value' in the Royal Institution of Chartered Surveyors' Appraisal and Valuation Manual (the 'Red Book') but including any 'Special Value' (i.e. any additional amount which is, or might reasonably be expected to be, available from a 'special purchaser'). For the purposes of these Crichel Down Rules, a 'special purchaser' means a particular buyer for whom a particular asset has special value because of advantages arising from its ownership that would not be available to other buyers such as amalgamating adjoining land, protecting existing assets, or securing operational efficiencies.

Recording of disposals under the Crichel Down Rules

~~28.~~ 33. Disposing ~~departments~~ authorities are expected to ~~will~~ maintain a central record or file of all transactions and decisions covered by the Rules, including those cases that fall within Rules ~~10 and 15~~12 and 19.

~~Annex - (see Rule 1 of the Crichel Down Rules)~~Appendix A - Guidance for ~~departments~~Disposing Authorities on the Application of the Crichel Down Rules

~~**Bodies to which these Crichel Down Rules apply (Rule 2)**~~

~~1. These Crichel Down Rules apply to all government departments, executive agencies and non departmental public bodies in England and other organisations in England (such as health service bodies) which are subject to a power of direction by a minister. They also apply to land in Wales acquired and still owned by a UK government department.~~

Application of the Crichel Down Rules by local authorities and statutory bodies (Rule ~~4~~3)

~~2.~~1. The previous practice amongst ~~L~~local authorities and other statutory bodies ~~which are not subject to a ministerial power of direction (for example, statutory undertakers) but who have powers of compulsory purchase, or who hold land which has been compulsorily purchased, are recommended to follow the Crichel Down Rules. Such authorities and bodies include those holding land in Wales acquired under an enabling power which remains capable of being confirmed by a UK minister, such as the Secretary of State for Energy Security and Net Zero. The previous practice amongst such authorities~~ has been ~~very~~ variable, but the government would like there to be a high level of compliance. Former owners of surplus land will be likely to see as inequitable a system which requires government departments and others to offer back surplus land but not local authorities. A typical example would be on road schemes, where those who had lost land to a trunk road scheme would have surplus land offered back, while those who had lost land to a county road scheme might not.

~~3.~~2. The approach of these bodies when disposing of surplus land must, however, depend on their particular functions and circumstances. For example, in the case of exceptions to the Crichel Down Rules, ~~which depend upon ministerial authority (Rules 15(1), 15(2) and 15(7)~~ for disposing authorities other than government departments and local authorities, ~~will have to rely on the decision of the political head of the authority. For other statutory bodies~~ the decision will rest with the chair~~man~~. For disposals at the end of Private Finance Initiative/Private Public Partnership agreements, ~~departments~~ disposing authorities may wish to seek legal advice in order to take account of the Crichel Down Rules.

Transfer to the private sector (Rule ~~5~~7)

~~4.~~3. This rule makes it clear that land transferred to another body for the same functions is not surplus.

The threat of compulsion (Rule ~~7~~1, 9 and 21)

~~5.~~4. ~~A 'threat of compulsion' should be assumed in the case of a voluntary sale if the power to acquire the land compulsorily existed at the time. This means that the acquiring department did not need to have instituted compulsory purchase procedures or even to have actively 'threatened' to use them for this Rule to apply.~~

~~It is enough for the acquiring authority to have statutory powers available if it wished to invoke them. For example, land acquired by a highway authority for the purposes of building a road is acquired under the threat of compulsion because such an authority could use its powers under the Highways Act 1980 to make a compulsory purchase order. The only exception is where the land was publicly or privately offered for sale immediately before the negotiations for acquisition.~~For the purposes of this rule, 'initiated compulsory purchase procedures' could mean:

(a) in the case of an acquisition authorised by a compulsory purchase order—
  (i). notice of the making of the order, or
  (ii). where the order was made by a Minister, notice of the preparation in draft of the order,
  had been published or served,

(b) in the case of an acquisition authorised by a special enactment, the special enactment had been introduced to Parliament,

(c) in the case of a notice served under any enactment requiring the purchase of an interest (other than as set out in sub-paragraphs (d) to (f) below), the relevant authority was to be deemed to have served a notice to treat in respect of that interest,

(d) in the case of an acquisition authorised by an order made under the Transport and Works Act 1992, notice of the application for such order had been published,

(e) in the case of an acquisition authorised by an order made under the Planning Act 2008, the applicant first gave notice of its application, or

(f) in the case of an acquisition authorised by an order made under the Harbours Act 1964, notice of the application for such order had been served

What constitutes a disposal? (Rule ~~9~~11)

~~6.~~5. ~~In addition to freehold disposals, any~~A proposal to create and dispose of a leasehold interest (including leasehold interests of more than 7 years or capable of being extended to more than 7 years by virtue of contract or statute or where the total period of successive leases amounts to more than 7 years) will not be subject to the Crichel Down Rules. Disposals for the purposes of granting Private Finance Initiative/Private Public Partnership projects do not fall within the Crichel Down Rules, see ~~Crichel Down~~ Rule ~~5~~7.

What is a material change ~~of~~in character? (Rule~~s~~ ~~10~~12 - 15)

~~7.~~6. The Crichel Down Rules refer to a 'material change in character' to the land available for disposal. In the original Commons debate on the Crichel Down case in 1954, 'material change' was envisaged as relating to agricultural land and was illustrated by the example of an airfield having been built with concrete runways and buildings and where the original ownership boundaries have been lost. However, other examples of a material change ~~of~~in character could include:

- the erection of buildings on bare, open land (although it should be noted that the erection of temporary buildings is not necessarily a material change);
- the afforestation of open land; ~~or~~
- the undertaking of substantial works to an existing building, the demolition of a building or the installation of ~~underground~~ infrastructure or services ~~to a site~~on, over or under land; or
- where land is not capable of its previous use, for example, land which was originally agricultural in nature or used for agricultural purposes when it was acquired by the disposing authority and because of its physical state and without significant restoration work being undertaken to revert the land back to its original, agricultural condition.

The decision on whether surplus land has materially changed in character since acquisition by the disposing authority will be a matter of judgment for the disposing authority.

~~Land subject to a long lease~~ Interests qualifying for the offering back of surplus land (Rules ~~12~~16 - 17)

~~8.~~7. Where land subject of a disposal is subject to a long lease, ~~I~~if neither the former freeholder nor former leaseholder are identifiable or interested in buying the land back, then the freehold freed from any lease can be disposed of on the open market.

8. Where a former owner was a business, for the purposes of the Crichel Down Rules, this means the named business where it continues to legally exist as a business entity and not any other party, for example, directors, shareholders, parent companies, or successor companies.

~~**Who is a successor? (Rule 13)**~~

~~9.A successor under a will includes those who would have succeeded by means of a second or subsequent will or intestacy. The qualification 'otherwise than by purchase' may be relaxed if the successor to adjoining land acquired it by means of transfer within a family trust, including a transfer for monetary consideration~~.

When is the date of acquisition? (Rules ~~14~~13 and 18)

9. ~~Crichel Down Rule 14 says that the date of acquisition is the date of the conveyance, transfer or vesting declaration.~~ Problems may arise where land has been requisitioned several (sometimes 10 or more) years before the title has transferred. Difficulties can be caused where the two dates straddle a time horizon, so that a disposal would fall within the Crichel Down Rules if the date of transfer was used, but not if the date of requisition was. To avoid these difficulties the date of acquisition is therefore taken to be the earlier of either the date of conveyance, transfer or vesting declaration or where known, the date the land was first occupied by the disposing authority prior to formal acquisition by conveyance, transfer or vesting declaration.

~~**What are 'reasons of public interest'? (Rule 15(2))**~~

~~10. The courts have held that Crichel Down Rule 15(2) does not require these to be matters where life or limb are at risk. In practice, this exception may be invoked where the body to which the land is to be sold could have made a compulsory purchase order to obtain it had it been owned by a third party (See R v Secretary of State for the Environment, Transport and the Regions ex p. Wheeler, The Times 4 August 2000).~~

Land needed by another government department or third party (Rule 19(i))

10. The exception provides where it is decided by the disposing authority that the land is needed by another government department or the land is needed by a third party to undertake an activity or function on behalf of the disposing authority, the disposal is exempt from the general obligation to offer back surplus land to former owners because it is not, in a wider sense, surplus to government requirements.

Costs v value of ~~S~~small areas of land (Rule ~~15~~19(~~3~~iii))

~~12.~~ 11. This exception provides ~~departments~~disposing authorities with discretion as to whether to offer surplus land back to former owners when the administrative costs in seeking to offer the surplus land back ~~are out of proportion to~~materially exceed the value of the land. It will also cover cases where there is a disposal of a small area of surplus land without a sale. When deciding whether the administrative costs in seeking to offer surplus land back to former owners materially exceed the value of the land, disposing authorities should undertake a costings exercise and ensure its results are recorded appropriately. A costings exercise could include, for example, comparing the anticipated administrative costs (including staff time, tracing searches, sending of notices, legal advice and valuation work) of following the offering back procedure under these Crichel Down Rules (Rules 23 – 28) against the disposing authority's estimated value of the surplus land.

When is it inconsistent with the purpose of the original acquisition to offer surplus land back under the Crichel Down Rules? (Rule ~~15~~19(~~5~~v))

~~13.~~12. The sections of the Agriculture Act 1947 referred to in this ~~R~~rule deal with the dispossession of owners or occupiers on grounds of bad estate management (section 16) and the acquisition and retention of land to ensure the full and efficient use of the land for agriculture (sections 84 and 85). In addition to the statutory examples quoted, the general rule is that land purchased with the intention of passing it on to another body for a specific purpose is not surplus and therefore not subject to the Crichel Down Rules. Typical examples would be sites of special scientific interest (SSSIs) purchased for management reasons; a listed building purchased for restorations; properties purchased by a local authority for redevelopment which are sold to a private developer partner; or land purchased by the former English Partnerships or a former regional development agency (now Homes England) and sold for reclamation and redevelopment. This exception will apply to disposals by statutory bodies with specific primary rather than incidental functions to develop or redevelop land, and to disposals by their successor bodies. In such cases, land would only be subject to the Crichel Down Rules where it was without development potential and, therefore, genuinely surplus in relation to the purpose for which it was originally acquired.

Dwelling tenancies (Rule ~~18~~21)

~~14.~~13. For the purposes of the Crichel Down Rules a 'dwelling' includes a flat.

Procedures for disposal of surplus land under the Crichel Down Rules (Rules ~~19~~23-~~24~~28)

~~15.~~14. The Crichel Down Rules specify various time limits in the procedures for the disposal of surplus land. However, to assist in the speedy disposal of ~~sites~~surplus land, ~~departments~~disposing authorities are encouraged to discuss with the former owner all aspects of the sale from the outset of negotiations.

~~**Market value and the date of valuation (Rule 26)**~~

~~16.For the purposes of the Crichel Down Rules, 'market value' means 'the best price reasonably obtainable for the property'. This is equivalent to the definition of 'market value' in the Royal Institution of Chartered Surveyors' Appraisal and Valuation Manual (the 'Red Book'), but including any 'Special Value' (i.e. any additional amount which is or might reasonably be expected to be available from a purchaser with a special interest like a former owner). 'Current market value' means the market value on the date of the receipt by the disposing department of the notification of the former owner's intention to purchase.~~

Maintenance of records (Rule ~~28~~33)

~~17.~~15. ~~In order t~~To make it possible for the operation of these ~~revised~~ Crichel Down Rules to be monitored, disposing ~~departments~~authorities should include on each disposal file a note of its consideration of the Crichel Down Rules, including whether they applied (and if not, why not), the subsequent action taken and whether it was possible to sell to the former owner. ~~It would also be very helpful if a~~A copy of each of these notes (cross-referenced to the disposal file) ~~could~~should be held by the relevant ~~department~~authority on a central (or regional) file, so that the information would be readily available for any future monitoring exercise.

Appendix ~~A~~B (see Rule ~~18~~21 ~~of the Crichel Down Rules~~)

Sitting tenants

1. In the context of the Crichel Down Rules, the expression 'sitting tenant' was generally intended to apply to tenants with indefinite or long-term security of tenure. A tenant for the time being of residential property which is to be sold as surplus to a ~~department's~~disposing authority's requirements is not, as a tenant of the Crown, in occupation by virtue of a statutory form of tenancy under the Rent Act 1977, ~~or~~ the Housing Act 1988 or the Renting Homes (Wales) Act 2016 (where a residential property in Wales was acquired by and still owned by a UK government department). However, when deciding whether a person is a sitting tenant for the purposes of Rule ~~18~~21 ~~of the Crichel Down Rules~~, the ~~department~~disposing authority concerned will have regard to the terms of tenancy and act according to the spirit of the legislation.

2. In practice, this will generally mean that a person may be regarded as a sitting tenant for the purposes of Rule ~~18~~21 ~~of the Crichel Down Rules~~ if the tenancy is analogous to either:

   a) a regulated tenancy under the Rent Act 1977, (i.e. a tenancy commenced before 15 January 1989, but excluding a protected shorthold tenancy); or

   b) an assured tenancy under the Housing Act 1988, (i.e. a tenancy begun on or after that date, but excluding an assured shorthold tenancy).

3. Without prejudice to Rule ~~15~~19(~~6~~vi) of the Crichel Down Rules, therefore, Rule ~~18~~21 ~~of the Crichel Down Rules~~ does not apply to a licensee or to a person in occupation under a tenancy the terms of which are analogous to:

   a) a protected shorthold tenancy under the Housing Act 1980 or the Renting Homes (Wales) Act 2016 (where land in Wales was acquired by and still owned by a UK government department), including any case where a person who held such a tenancy, or that person's successor, was granted a regulated tenancy of the same dwelling immediately after the end of the protected shorthold tenancy; or

   b) an assured shorthold tenancy under the Housing Act 1988 or the Renting Homes (Wales) Act 2016 (where land in Wales was acquired by and still owned by a UK government department).

4. It is recognised, however, that some tenants who fall within Rule 3 ~~above~~in this Appendix, may have occupied the property over a number of years and may well have carried out improvements to the property. Where the former owner ~~or successor~~ does not wish to purchase the property, or cannot be traced, the ~~department~~disposing authority may wish to consider sympathetically any offer from such a tenant, of not less than two years, to purchase the freehold.

Appendix ~~B~~C (see Rule ~~2528 of the Crichel Down Rules~~)

Special procedures where boundaries of agricultural land have been obliterated

(a) Each former owner who retains ownership of land immediately abutting the surplus land will be notified by the disposing authority of its decision to dispose of the land and asked whether they wish to acquire any ~~land~~of it. The disposing authority's notification should include a four-week deadline for when the former owner should express their interest in purchasing any of the surplus land.

(b) Where former owners express an interest in ~~doing so~~ purchasing any of the surplus land, disposing ~~departments~~authorities will, subject to what is stated in (c) to (e) below, make every effort to offer them parcels which correspond, as nearly as is reasonably practicable, in size and situation to their former land.

(c) In large and complex cases, or where there is little or no room for choice between different methods of dividing the surplus land into lots, it may be necessary to show former owners a plan indicating definite lots. This might be appropriate where, for example, the character of the land has altered; where there are existing tenancies; or where ~~departments~~disposing authorities might otherwise be left with unsaleable lots.

(d) Where more than one former owner is interested in the same parcel of land it may be necessary to give priority to the person who owned most of the parcel or, in a case of near equality, to ask for tenders from interested former owners. ~~Departments~~Disposing authorities should, however, make every effort to offer each interested former owner at least one lot.

(e) If attempts to come to a satisfactory solution by dealing with former owners end in complete deadlock, ~~departments~~disposing authorities will sell the surplus land by public auction in the most convenient parcels and will inform the former owners of the date of the auction sale.