Local Government Act 1972 c. 70
s. 122 Appropriation of land by principal councils.

Law In Force

Version 1 of 1

Date not available - Present

Subjects
Local government; Real property

Keywords
Acquisition of land; Appropriation; Local authorities' powers and duties; Principal councils

122.— Appropriation of land by principal councils.

(1) Subject to the following provisions of this section, a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned.

(2) A principal council may not appropriate under subsection (1) above any land which they may be authorised to appropriate under [section 229 of the Town and Country Planning Act 1990] [1] (land forming part of a common, etc.) unless—

(a) the total of the land appropriated in any particular common, [...] [2] or fuel or field garden allotment (giving those expressions the same meanings as in [the said section 229] [1]) does not in the aggregate exceed 250 square yards, and

(b) before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,

[...] [3]

[

(2A) A principal council may not appropriate under subsection (1) above any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

(2B) Where land appropriated by virtue of subsection (2A) above is held—

(a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or

(b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.

] [4] [...] [5]

© 2025 Thomson Reuters.

(4) Where land has been acquired under this Act or any other enactment or any statutory order incorporating the Lands Clauses Acts and is subsequently appropriated under this section, any work executed on the land after the appropriation has been effected shall be treated for the purposes of section 68 of the Lands Clauses Consolidation Act 1845 and section 10 of the Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

[...][5] [...][5 6 7 8]

Notes

1 Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 28(1)
2 Words repealed by Local Government, Planning and Land Act 1980 (c. 65), s. 194, Sch. 34 Pt. XII
3 Words repealed by Local Government, Planning and Land Act 1980 (c.65), s. 194, Sch. 34 Pt. XIII
4 S. 122(2A)(2B) inserted by Local Government, Planning and Land Act 1980 (c.65), s. 118, Sch. 23 Pt. V para. 12
5 Repealed by Local Government, Planning and Land Act 1980 (c.65), s. 194, Sch. 34 Pt. XIII
6 Act modified by Representation of the People Act 1983 (c.2), s. 40(2), S.I. 1979/1123, arts. 4(2), 5, extended by Charlwood and Horley Act 1974 (c.11), s.2 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c 62), s.3Power to modify Act conferred by Representation of the People Act 1983 (c.2), s. 39(6)(7)
7 S. 111 extended by Housing Act 1974 (c. 44), s. 126(1), extended by Water Act 1989 (c.15), s. 164(2), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
8 S. 122(4) applied by Town and Country Planning Act 1990 (c.8), s. 232(5)

Contains public sector information licensed under the Open Government Licence v3.0.