



# Local Government Act 1972

## 1972 CHAPTER 70

### PART VII

#### MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

##### *Land transactions — principal councils*

#### **120 Acquisition of land by agreement by principal councils.**

- (1) For the purposes of—
  - (a) any of their functions under this or any other enactment, or
  - (b) the benefit, improvement or development of their area,a principal council may acquire by agreement any land, whether situated inside or outside their area.
- (2) A principal council may acquire by agreement any land for any purpose for which they are authorised by this or any other enactment to acquire land, notwithstanding that the land is not immediately required for that purpose; and, until it is required for the purpose for which it was acquired, any land acquired under this subsection may be used for the purpose of any of the council's functions.
- (3) Where under this section a council are authorised to acquire land by agreement, the provisions of Part I of the <sup>M1</sup>Compulsory Purchase Act 1965 (so far as applicable) other than section 31 shall apply, and in the said Part I as so applied the word "land" shall have the meaning assigned to it by this Act.
- (4) Where two or more councils acting together would have power to acquire any land by agreement by virtue of this section, nothing in any enactment shall prevent one of those councils from so acquiring the land on behalf of both or all of them in accordance with arrangements made between them, including arrangements as to the subsequent occupation and use of the land.
- (5) References in the foregoing provisions of this section to acquisition by agreement are references to acquisition for money or money's worth, as purchaser or lessee.

*Status: Point in time view as at 08/02/2000.*

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**Modifications etc. (not altering text)**

- C1** S. 120 modified by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\)](#), [s. 19\(4\)](#)
- C2** S. 120 amended and certain functions transferred by [S.I. 1989/304](#), [art. 5\(3\)\(g\)\(4\)](#)
- C3** S. 120 amended by [S.I. 1989/304](#), [art. 5\(4\)\(c\)](#)
- C4** S. 120 modified (07.08.1991) by [S.I. 1991/1773](#), [art. 8\(2\)](#), [Sch.2](#).  
S. 120: certain functions transferred (07.08.1991) by [S.I. 1991/1773](#), [art. 8](#), [Sch.2](#)
- C5** S. 120 modified (10.01.1992) by [S.I. 1991/2913](#), [art. 8\(2\)](#), [Sch.2](#).  
S. 120: certain functions transferred (10.01.1992) by [S.I. 1991/2913](#), [art. 8](#), [Sch.2](#).  
S. 120: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 3\(3\)](#)  
S. 120 extended (with modifications) (19.9.1995) by [1995 c. 25](#), [ss. 65\(7\)](#), [125\(2\)](#), [Sch. 8 para. 1\(1\)\(a\)\(4\)](#) (with [ss. 7\(6\)](#), [115](#), [117](#), [Sch. 8 para. 7](#))  
S. 120 (except subsection 1(b)): power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50](#), [s. 44\(1\)](#), [Sch. 4\(a\)\(vii\)](#); [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(m\)](#)
- C6** S. 120 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), [art. 2](#), [Sch. para. 15](#)
- C7** S. 120(3) applied (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), [ss. {211\(6\)}](#), [277\(1\)](#) (subject to [s. 277\(2\)-\(5\)](#))  
S. 120(3) applied (1.3.2007) by [National Health \(Wales\) Service Act 2006 \(c. 42\)](#), [ss. {159\(6\)}](#), [208\(1\)](#) (subject to [s. 208\(2\)-\(5\)](#)) (with [s. 19\(3\)](#))

**Marginal Citations**

- M1** [1965 c. 56](#).

**121 Acquisition of land compulsorily by principal councils.**

- (1) Subject to subsection (2) below, for any purpose for which they are authorised by this or any other public general Act to acquire land, a principal council may be authorised by the Minister concerned with that purpose to purchase compulsorily any land, whether situated inside or outside their area.
- (2) A council may not be authorised under subsection (1) above to purchase land compulsorily—
- (a) for the purpose specified in section 120(1)(b) above, or
  - (b) for the purpose of any of their functions under the <sup>M2</sup>Local Authorities (Land) Act 1963, or
  - (c) for any purpose in relation to which their power of acquisition is by any enactment expressly limited to acquisition by agreement.
- (3) Where one or more councils propose, in exercise of the power conferred by subsection (1) above, to acquire any land for more than one purpose, the Minister or Ministers whose authorisation is required for the exercise of that power shall not be concerned to make any apportionment between those purposes nor, where there is more than one council, between those councils, and—
- (a) the purposes shall be treated as a single purpose and the compulsory acquisition shall be treated as requiring the authorisation of the Minister, or the joint authorisation of the Ministers, concerned with those purposes; and
  - (b) where there is more than one council concerned, the councils may nominate one of them to acquire the land on behalf of them all and the council so nominated shall accordingly be treated as the acquiring authority for the purposes of any enactment relating to the acquisition.

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(4) The [<sup>F1</sup>Acquisition of Land Act 1981] shall apply in relation to the compulsory purchase of land in pursuance of subsection (1) above <sup>F2</sup>. . .

**Textual Amendments**

- F1** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(1\), Sch. 4 para. 1 Table](#)
- F2** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(3\), Sch. 6 Pt. I](#)

**Modifications etc. (not altering text)**

- C8** [S. 121](#) modified by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\), s. 19\(4\)](#)
- C9** [S. 121](#) modified (07.08.1991) by [S.I. 1991/1773, art. 8\(2\), Sch.2.](#)  
[S. 121](#): certain functions transferred (07.08.1991) by [S.I. 1991/1773, art. 8, Sch. 2.](#)  
[S. 121](#): power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50, s. 44\(1\), Sch. 4\(a\)\(vii\); S.I. 1997/1930, art. 2\(1\)\(2\)\(m\)](#)
- C10** [S. 121](#) modified (10.01.1992) by [S.I. 1991/2913, art. 8\(2\), Sch. 2.](#)  
[S. 121](#): certain functions transferred (10.01.1992) by [S.I. 1991/2913, art. 8, Sch.2.](#)
- C11** [S. 121](#) applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\), art. 2, Sch. para. 15](#)
- C12** [S. 121\(1\)](#) modified (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

**Marginal Citations**

- M2** [1963 c. 29.](#)

**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 [<sup>F3</sup>section 229 of the Town and Country Planning Act 1990] (land forming part of a common, etc.) unless—
  - (a) the total of the land appropriated in any particular common, . . . <sup>F4</sup> or fuel or field garden allotment (giving those expressions the same meanings as in [<sup>F5</sup>the said section 229]) 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,

<sup>F6</sup> .....

[<sup>F7</sup>(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.

*Status: Point in time view as at 08/02/2000.*

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- (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.]

<sup>F8</sup>(3) .....

- (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 <sup>M3</sup>Lands Clauses Consolidation Act 1845 and section 10 of the <sup>M4</sup>Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

<sup>F9</sup>(5) .....

#### Textual Amendments

- F3** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)
- F4** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XII](#)
- F5** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)
- F6** S. 122(2)(b) words following repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)
- F7** S. 122(2A)(2B) inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\), s. 118, Sch. 23 Pt. V para. 12](#)
- F8** S. 122(3) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)
- F9** S. 122(5)(6) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

#### Modifications etc. (not altering text)

- C13** S. 122 extended (with modifications) (19.9.1995) by [1995 c. 25, ss. 65\(7\), 125\(2\), Sch. 8 para. 1\(1\)\(a\) \(4\)](#) (with [ss.7\(6\), 115, 117, Sch. 8 para. 7](#))
- C14** S. 122(4) applied by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), s. 232\(5\)](#)

#### Marginal Citations

- M3** 1845 c. 18.
- M4** 1965 c. 56.

## 123 Disposal of land by principal councils.

- (1) Subject to the following provisions of this section, a principal council may dispose of land held by them in any manner they wish.

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- (2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.
- [<sup>F10</sup>(2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of 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 disposal which may be made to them.
- (2B) Where by virtue of subsection (2A) above a council dispose of land which is held—
- (a) for the purpose 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 disposal 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.]
- <sup>F11</sup>(3) .....
- <sup>F12</sup>(6) .....
- (7) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—
- (a) of the grant of a term not exceeding seven years, or
  - (b) of the assignment of a term which at the date of the assignment has not more than seven years to run,
- and in this section “public trust land” has the meaning assigned to it by section 122(6) above.

#### Textual Amendments

- F10** S. 123(2A)(2B) inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\)](#), s. 118, [Sch. 23 Pt. V para. 14](#)
- F11** S. 123(3)(4)(5) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XIII](#)
- F12** S. 123(6) repealed (with savings in S.I. 1990/431, [Sch. 1 para. 1\(a\)](#)) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Pt. I](#) (and as saved, amended (1.8.1993) by 1993 c. 10, s. 98(1), 99(1), [Sch. 6 para. 12\(3\)](#)).

#### Modifications etc. (not altering text)

- C15** S. 123 excluded by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [ss. 76\(11\)](#), 137(6), 189(6), 231(7), 235(6)
- S. 123 excluded (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), [s. 39\(8\)](#); S.I. 1992/831, [art. 2](#), [Sch. 1](#)
- S. 123 excluded (1.1.1994) by 1993 c. 35, [s. 41\(7\)](#) (with s. 155(11)); S.I. 1993/3106, [art. 4](#), [Sch. 1](#) (with [Sch. 2 para. 7\(3\)](#))
- S. 123 excluded (1.11.1996) by 1996 c. 56, [ss. 204\(7\)](#), 583(2) (with s. 1(4))
- S. 123 excluded (1.10.1998) by 1998 c. 31, [s. 77\(6\)\(9\)](#) (with [ss. 138\(9\)](#), 144(6)); S.I. 1998/2212, [art. 2\(1\)](#), [Sch. 1 Pt. I](#)
- S. 123 excluded (W.) (1.9.2001) by S.I. 2001/2678, [reg. 16](#), [Sch. 4 para. 21\(5\)](#)

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- S. 123 excluded by **Greenham and Crookham Commons Act 2002 (c. i), s. 18(11)** (with ss. 38, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)
- C16** S. 123 modified (7.8.1991) by **S.I. 1991/1773, art. 8(2), Sch. 2**  
S. 123 modified (10.1.1992) by **S.I. 1991/2913, art. 8(2), Sch. 2**
- C17** S. 123: certain functions transferred (7.8.1991) by **S.I. 1991/1773, art. 8, Sch. 2**  
S. 123: certain functions transferred (10.1.1992) by **S.I. 1991/2913, art. 8, Sch. 2**  
S. 123: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by **S.I. 1995/1042, art. 3(3)**
- C18** S. 123 extended (3.4.1995) by **1994 c. 19, s. 51(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); **S.I. 1995/852, art. 8, Sch. 4**  
S. 123 extended (with modifications) (19.9.1995) by **1995 c. 25, ss. 65(7), 125(2), Sch. 8 para. 1(1)(a)(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C19** S. 123: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by **1997 c. 50, s. 44(1), Sch. 4(a)(vii); S.I. 1997/1930, art. 2(1)(2)(m)**
- C20** S. 123 applied (with modifications) (20.11.2006) by **The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, Sch. para. 15**
- C21** S. 123 excluded (25.5.2007) by **The School Organisation (Transitional Provisions) (England) Regulations 2007 (S.I. 2007/1355), regs. 40 46, {Sch. 4 para. 12(5)}**  
S. 123 restricted (1.11.2007) by **Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 26(3)(a), 245; S.I. 2007/3136, art. 2(a)**
- C22** S. 123(2) excluded by **Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 26(5)(b)**  
S. 123(2) excluded (1.10.1993) by **1993 c. 35, s. 285; S.I. 1993/1975, art. 9, Sch. 1**  
S. 123(2) excluded (21.7.1994) by **1994 c. xi, s. 51(1)**  
S. 123(2) excluded (1.11.1996) by **1996 c. 56, ss. 75, 583(2)** (with s. 1(4))  
S. 123(2) excluded (1.9.1999) by **1998 c. 31, s. 22(7), Sch. 3 para. 12** (with ss. 138(9), 144(6)); **S.I. 1999/2323, art. 2(1), Sch. 1**  
S. 123(2) excluded (26.7.2002) by **Education Act 1996 (c. 56), s. 482(6), Sch. 35A para. 10(2)** (as inserted (26.7.2002) by **Education Act 2002 (c. 32), s. 65, Sch. 7 Pt. 1 para. 1** (with ss. 210(8), 214(4)); **S.I. 2002/2002, art. 2**
- C23** S. 123(2) applied (5.7.1994) by **1994 c. 19, ss. 39(2), 66(2)(b), Sch. 13 para. 11(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 123(2) applied (1.4.1995) by **S.I. 1995/401, art. 16(2)**
- C24** S. 123(2) restricted (28.7.2000) by **2000 c. 21, ss. 131, 154(5)(c), Sch. 8 para. 9(1)**
- C25** S. 123(2A) applied (5.7.1994) by **1994 c. 19, ss. 39(2), 66(2)(b), Sch. 13 para. 11(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 123(2A) applied (1.4.1995) by **S.I. 1995/401, art. 16(2)**
- C26** S. 123(2A) restricted (28.7.2000) by **2000 c. 21, ss. 131, 154(5)(c), Sch. 8 para. 9(2)**
- C27** S. 123(2A) excluded (26.7.2002) by **Education Act 1996 (c. 56), s. 482(6), Sch. 35A para. 10(3)** (as inserted (26.7.2002) by **Education Act 2002 (c. 32), s. 65, Sch. 7 Pt. 1 para. 1** (with ss. 210(8), 214(4)); **S.I. 2002/2002, art. 2**

**F13** 123A.....

#### Textual Amendments

- F13** S. 123A (inserted by **Community Land Act 1975 (c. 77), s. 42(1)**) repealed by **Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1), s. 118, Sch. 34 Pt. XIII**

**Status:**

Point in time view as at 08/02/2000.

**Changes to legislation:**

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