



Local Government Act 1972

1972 CHAPTER 70

PART VII

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Land transactions—parish and community councils

124 Acquisition of land by agreement by parish and community councils.

- (1) For the purposes of—
 - (a) any of their functions under this or any other public general Act, or
 - (b) the benefit, improvement or development of their area,a parish or community council may acquire by agreement any land, whether situated inside or outside their area.
- (2) Where under this section a parish or community council are authorised to acquire land by agreement, the provisions of Part I of the ^{M1}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.
- (3) 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.

Marginal Citations

M1 1965 c. 56.

[^{F1}125 Compulsory acquisition of land on behalf of parish or community councils.

- (1) If a parish or community council are unable to acquire by agreement under section 124 above and on reasonable terms suitable land for a purpose for which they are authorised to acquire land other than—

Status: Point in time view as at 31/03/2015.

Changes to legislation: Local Government Act 1972, Cross Heading: Land transactions—parish and community councils is up to date with all changes known to be in force on or before 18 July 2024. 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)

- (a) the purpose specified in section 124(1)(b) above, or
 - (b) a purpose in relation to which the power of acquisition is by an enactment expressly limited to acquisition by agreement,
- they may represent the case to the council of the district in which the parish or community is situated.
- (2) If the district council are satisfied that suitable land for the purpose cannot be acquired on reasonable terms by agreement, they may be authorised by the Secretary of State to purchase compulsorily the land or part of it; and the Acquisition of Land Act 1981 shall apply in relation to the purchase.
- (3) The district council in making and the Secretary of State in confirming an order for the purposes of this section shall have regard to the extent of land held in the neighbourhood by an owner and to the convenience of other property belonging to the same owner and shall, as far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner.
- (4) The order shall be carried into effect by the district council but the land when acquired shall be conveyed to the parish or community council; and accordingly in construing for the purposes of this section and of the order any enactment applying in relation to the compulsory acquisition, the parish or community council or the district council, or the two councils jointly, shall, as the case may require, be treated as the acquiring authority.
- (5) The district council may recover from the parish or community council the expenses incurred by them in connection with the acquisition of land under this section.
- (6) If a parish or community council make representations to a district council with a view to the making of an order under this section and the district council—
- (a) refuse to make an order, or
 - (b) do not make an order within 8 weeks from the making of the representations or such longer period as may be agreed between the two councils,
- the parish or community council may petition the Secretary of State who may make the order, and this section and the provisions of the Acquisition of Land Act 1981 shall apply as if the order had been made by the district council and confirmed by the Secretary of State.
- (7) In the application of this section to a parish or community council for a group of parishes or communities—
- (a) references to the parish or community shall be construed as references to the area of the group, and
 - (b) if different parts of the area of the group lie in different districts, references to the council of the district in which the parish or community is situated shall be construed as references to the councils of each of the districts acting jointly.]
- [^{F2}(8) In relation to Wales—
- (a) references in this section to a district council are to be read as references to a principal council; and
 - (b) references to a district are to be read as references to a principal area.]

Status: Point in time view as at 31/03/2015.

Changes to legislation: Local Government Act 1972, Cross Heading: Land transactions—parish and community councils is up to date with all changes known to be in force on or before 18 July 2024. 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)

Textual Amendments

- F1** S. 125 substituted (with savings in S.I. 1990/614, **art. 3**) by Housing and Planning Act 1986 (c. 63, SIF 81:1), **s. 43**
- F2** S. 125(8) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 28** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 21(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 125 modified by S.I. 1990/614, **art. 3**

126 Appropriation of land by parish and community councils and by parish meetings.

- (1) Any land belonging to a parish or community council which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the council for any other purpose for which the council are authorised by this or any other public general Act to acquire land by agreement.
- (2) In the case of a parish which does not have a separate parish council, any land belonging to the parish meeting which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the parish meeting for any other purpose approved by the Secretary of State.
- (3) The appropriation of land by virtue of this section by a parish or community council or by a parish meeting shall be subject to the rights of other persons in, over or in respect of the land concerned.
- (4) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land which they may be authorised to appropriate under ^{F3}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, ^{F4}. . . or fuel or field garden allotment (giving those expressions the same meanings as in ^{F5}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,

^{F6}

^{F7}(4A) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section 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.

(4B) Where land appropriated by virtue of subsection (4A) above is held—

Status: Point in time view as at 31/03/2015.

Changes to legislation: Local Government Act 1972, Cross Heading: Land transactions—parish and community councils is up to date with all changes known to be in force on or before 18 July 2024. 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)

- (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.]

^{F8}(5)

- (6) 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 ^{M2}Lands Clauses Consolidation Act 1845 and section 10 of the ^{M3}Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

^{F8}(7)

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. XIII](#)
- F5** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)
- F6** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)
- F7** S. 126(4A)(4B) inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\), s. 118, Sch. 23 Pt. V para. 17\(2\)](#)
- F8** S. 126(5)(7) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

Marginal Citations

- M2** 1845 c. 18.
- M3** 1965 c. 56.

127 Disposal of land held by parishes and communities.

- (1) Subject to the following provisions of this section, [^{F9}and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010,] a parish or community council, or the parish trustees of a parish acting with the consent of the parish meeting, may dispose of land held by them in any manner they wish.
- (2) Except with the consent of the Secretary of State, land shall not be disposed of under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.
- [^{F10}(3) Subsections (2A) and (2B) of section 123 above shall apply in relation to the disposal of land under this section as they apply in relation to the disposal of land under that section, with the substitution of a reference to a parish or community council or the parish trustees of a parish for the reference to a principal in the said subsection (2A).]

Status: Point in time view as at 31/03/2015.

Changes to legislation: Local Government Act 1972, Cross Heading: Land transactions—parish and community councils is up to date with all changes known to be in force on or before 18 July 2024. 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)

- (4) Capital money received in respect of a disposal under this section of land held for charitable purposes shall be applied in accordance with any directions given under [^{F11}the Charities Act 2011].
- (5) 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.

Textual Amendments

- F9** Words in s. 127(1) inserted (15.12.2010) by [Playing Fields \(Community Involvement in Disposal Decisions\) \(Wales\) Measure 2010 \(nawm 6\)](#), **ss. 2(3), 5(2)**
- F10** S. 127(3) substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\)](#), s. 118, **Sch. 23 Pt. V para. 19**
- F11** Words in s. 127(4) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 7 para. 26** (with s. 20(2), Sch. 8)

Modifications etc. (not altering text)

- C2** S. 127 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**

Status:

Point in time view as at 31/03/2015.

Changes to legislation:

Local Government Act 1972, Cross Heading: Land transactions—parish and community councils is up to date with all changes known to be in force on or before 18 July 2024. 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.