



# Local Government Act 1972

## 1972 CHAPTER 70

### PART VII

#### MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

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

#### **123 Disposal of land by principal councils.**

- (1) Subject to the following provisions of this section, [<sup>F1</sup>and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010,] a principal council may dispose of land held by them in any manner they wish.
- (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>F2</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.

[ Subsection (2A) does not apply to a disposal to which the provisions of regulations <sup>F3</sup>(2AA) made under section 1 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 apply.]

- (2B) Where by virtue of subsection (2A) above [<sup>F4</sup>or in accordance with the provisions of regulations made under section 1 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010.] 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),

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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>F5</sup>(3) .....

<sup>F6</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

- F1** Words in s. 123(1) inserted (15.12.2010) by [Playing Fields \(Community Involvement in Disposal Decisions\) \(Wales\) Measure 2010 \(nawm 6\), ss. 2\(2\)\(a\), 5\(2\)](#)
- F2** 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](#)
- F3** S. 123(2AA) inserted (15.12.2010) by [Playing Fields \(Community Involvement in Disposal Decisions\) \(Wales\) Measure 2010 \(nawm 6\), ss. 2\(2\)\(b\), 5\(2\)](#)
- F4** Words in s. 123(2B) inserted (15.12.2010) by [Playing Fields \(Community Involvement in Disposal Decisions\) \(Wales\) Measure 2010 \(nawm 6\), ss. 2\(2\)\(c\), 5\(2\)](#)
- F5** 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](#)
- F6** 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)

- C1** 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\(5\)](#)  
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)
- C2** 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](#)
- C3** 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\(3\)](#)
- C4** 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](#)

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- 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**)
- C5** 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)**
- C6** 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**
- C7** 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)**
- C8** S. 123 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), **arts. 1(1), 4, Sch.**
- C9** S. 123 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), **arts. 1(1), 4, Sch.**
- C10** Ss. 120-123 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), **arts. 1(1), 7, Sch. 1**
- C11** S. 123 excluded (E.) (28.1.2014) by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (S.I. 2013/3110), **reg. 1(1), Sch. 5 para. 10(5)**
- C12** S. 123 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), **art. 1(2), Sch. para. 17**
- C13** Ss. 120-123 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), **arts. 1(1), 8, Sch. 1**
- C14** S. 123 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), **regs. 1(2), 19(4)**
- C15** 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**
- C16** 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)**
- C17** S. 123(2) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), **Sch. 8 para. 9(1)**
- C18** S. 123(2) excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 1 para. 10(2)(a)**; S.I. 2010/1937, **art. 2, Sch. 1**
- C19** S. 123(2)(2A) excluded by 2010 c. 32, **Sch. 1 para. 20(2)** (as substituted (1.2.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 1**; S.I. 2012/84, **art. 3** (with **art. 5**))
- C20** S. 123(2) excluded (21.8.2013) by The Croyley Rail Link Order 2013 (S.I. 2013/1967), **arts. 1, 43**
- C21** 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)**
- C22** S. 123(2A) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), **Sch. 8 para. 9(2)**
- C23** 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**
- C24** S. 123(2A) excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 1 para. 10(2)(a)**; S.I. 2010/1937, **art. 2, Sch. 1**

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