



Town and Country Planning Act 1990

1990 CHAPTER 8

PART IX

ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

Acquisition for planning and public purposes

229 Appropriation of land forming part of common, etc.

- (1) Any local authority may be authorised, by an order made by that authority and confirmed by the Secretary of State, to appropriate for any purpose for which that authority can be authorised to acquire land under any enactment any land to which this subsection applies which is for the time being held by them for other purposes.
- (2) Subsection (1) applies to land which is or forms part of a common or fuel or field garden allotment (including any such land which is specially regulated by any enactment, whether public general or local or private), other than land which is Green Belt land within the meaning of the ^{M1}Green Belt (London and Home Counties) Act 1938.
- (3) Section 19 of the ^{M2}Acquisition of Land Act 1981 (special provision with respect to compulsory purchase orders under that Act relating to land forming part of a common, open space or fuel or field garden allotment) shall apply to an order under this section authorising the appropriation of land as it applies to a compulsory purchase order under that Act.
- (4) Where land appropriated under this section was acquired under an enactment incorporating the Lands Clauses Acts, any works executed on the land after the appropriation has been effected shall, for the purposes of section 68 of the ^{M3}Lands Clauses Consolidation Act 1845 and section 10 of the ^{M4}Compulsory Purchase Act 1965, be deemed to have been authorised by the enactment under which the land was acquired.
- (5) On an appropriation of land by a local authority under this section, where—
 - (a) the authority is not an authority to whom Part II of the 1959 Act applies;

Status: Point in time view as at 28/02/2024. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 229 is up to date with all changes known to be in force on or before 01 August 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)

- (b) the land was immediately before the appropriation held by the authority for the purposes of a grant-aided function (within the meaning of that Act); or
- (c) the land is appropriated by the authority for the purposes of such a function, such adjustments shall be made in the accounts of the local authority as the Secretary of State may direct.
- (6) On an appropriation under this section which does not fall within subsection (5), such adjustment of accounts shall be made as is required by section 24(1) of the 1959 Act.

Modifications etc. (not altering text)

- C1** Pt. 9 applied (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **13(4)**
- C2** Pt. 9 applied (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **9(4)**
- C3** Pt. 9 applied (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), **10(4)**
- C4** S. 229 functions made exercisable concurrently (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016 \(S.I. 2016/1267\)](#), arts. 1(2), **6(1)(c)(2)**
- C5** S. 229 functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), **19(1)(e)**
- C6** S. 229 functions made exercisable concurrently (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), **7(1)(e)**
- C7** S. 229 functions made exercisable concurrently (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **11(1)(c)(2)**
- C8** S. 229 functions made exercisable concurrently (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **8**
- C9** S. 229: functions made exercisable concurrently (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), **8**

Marginal Citations

- M1** 1938 c. xciii.
- M2** 1981 c. 67.
- M3** 1845 c.18.
- M4** 1965 c.56.

Status:

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