



# Town and Country Planning Act 1959

1959 CHAPTER 53 7 and 8 Eliz 2

## PART II

ACQUISITION, APPROPRIATION AND DISPOSAL OF LAND  
BY LOCAL AUTHORITIES AND OTHER PUBLIC BODIES

### 23 Exercise of powers of appropriation.

- (1) Subject to the following provisions of this section, where by any enactment—
- (a) power is conferred on any authority to whom this Part of this Act applies, or on any class of such authorities, to appropriate land for any purpose, whether the purpose is defined in the enactment specifically or by reference to some other power exercisable by the authority or class of authorities in question, but
  - (b) that power is so conferred subject to a provision (in whatever terms the provision is expressed, and whether it is contained in the same or in any other enactment) that the power is not to be exercised except with the consent of a Minister specified in that provision, or for a purpose approved by a Minister so specified, with or without a further provision enabling conditions to be imposed by such a Minister in respect of the exercise of the power,

the enactment shall have effect, in relation to any exercise of the power after the commencement of this Act by an authority to whom this Part of this Act applies, as if it conferred that power free from any such provision as is mentioned in paragraph (b) of this subsection.

- [<sup>F1</sup>(2) Before exercising any power of appropriation in relation to land which consists or forms part of an open space, not being land which consists or forms part of a common or of a fuel or field garden allotment, an authority to whom this Part of this Act applies—
- (a) shall publish a notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and
  - (b) shall consider any objections to the proposed appropriation which may be made to them.]

- (3) Subsection (1) of this section shall not apply—

*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning Act 1959, Section 23. (See end of Document for details)*

- (a) to any appropriation of land in pursuance of an order under section forty-two of the Act of 1947 or under section twenty-eight of the <sup>M1</sup>Land Settlement (Facilities) Act, 1919, or
- (b) to any appropriation of land which, immediately before the appropriation, is land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act;

and shall not operate so as to dispense with any requirement for the consent of the Minister of Agriculture, Fisheries and Food—

- (i) under subsection (7) of section two of the <sup>M2</sup>Small Holdings and Allotments Act, 1926, as applied by section twelve of the <sup>M3</sup>Agricultural Land (Utilisation) Act, 1931 (whereby the consent of that Minister is required in certain cases in respect of transactions relating to cottage holdings), or
- (ii) in respect of any appropriation of land which, immediately before the appropriation, is land held for use as allotments;

..... F2

(4) Sub-paragraph (b) of paragraph (i) of the proviso to subsection (1) of section one hundred and sixty-three of the <sup>M4</sup>Local Government Act, 1933 (which prohibits a local authority from executing certain works on land appropriated by them, unless authorised to do so by the Minister of Housing and Local Government), shall cease to have effect.

(5) ..... F3

**Textual Amendments**

- F1** S. 23(2) substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\)](#), **Sch. 23 para. 3**
- F2** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:2\)](#), **Sch. 34 Pt. XIII**
- F3** Ss. 22(5), 23(5), 24(4), 25, 26(7), 29(2), 45(3), 46(4), 47, 50, 52(7), 57(3)(b)(7), 58(7), Sch. 4 Pt. II, Sch. 10 repealed by [Statute Law Revision Act 1960 \(c. 56\)](#)

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

- C1** S. 23 excluded by [Local Government Act 1972 \(c. 70\)](#), **s. 128(3)**

**Marginal Citations**

- M1** 1919 c. 59.
- M2** 1926 c. 52.
- M3** 1931 c. 41.
- M4** 1933 c. 51.

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Town and Country Planning Act 1959, Section 23.