



# 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, 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>F1</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>F2</sup>(3) .....

<sup>F3</sup>(6) .....

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- (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.

#### Annotations:

##### Amendments (Textual)

- F1** 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**
- F2** S. 123(3)(4)(5) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt.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**
- F3** S. 123(6) repealed (with savings in S.I. 1990/431, **Sch. 1 para. 1(a)**) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(2), **Sch. 12 Pt.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**  
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(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**

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- 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**
- C9** 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)**
- C10** S. 123(2) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), **Sch. 8 para. 9(1)**
- C11** 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)**
- C12** S. 123(2A) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), **Sch. 8 para. 9(2)**
- C13** 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**

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**Changes and effects yet to be applied to :**

- s. 120-123 applied (with modifications) by [S.I. 2011/939 art. 7 Sch. 1](#)
- s. 120-123 applied (with modifications) by [S.I. 2017/558 art. 8 Sch. 1](#)
- s. 123 applied (with modifications) by [S.I. 2015/435 Sch. para. 17](#)
- s. 123 excluded by [S.I. 2013/3110 Sch. 5 para. 10\(5\)](#)
- s. 123 modified by [S.I. 2010/1216 art. 4 Sch.](#)
- s. 123 modified by [S.I. 2010/1217 art. 4 Sch.](#)
- s. 123(1) words inserted by [2010 nawm 6 s. 2\(2\)\(a\)](#)
- s. 123(2) excluded by [2010 c. 32 Sch. 1 para. 10\(2\)\(a\)](#)
- s. 123(2) excluded by [S.I. 2013/1967 art. 43](#)
- s. 123(2) (2A) excluded by [2010 c. 32 Sch. 1 para. 20\(2\) \(as substituted\) by 2011 c. 21 Sch. 14 para. 1](#)
- s. 123(2A) excluded by [2010 c. 32 Sch. 1 para. 10\(2\)\(a\)](#)
- s. 123(2B) words inserted by [2010 nawm 6 s. 2\(2\)\(c\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act power to apply or incorporate (with modifications) conferred by [2011 c. 13 s. 54\(2\)-\(5\)](#)
- Act power to apply or incorporate (with modifications) conferred by [2011 c. 13 s. 58\(1\)-\(3\) \(7\)](#)
- Blanket amendment words substituted by [S.I. 2011/1043 art. 3 4](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- Pt. 5A applied (with modifications) by [2011 c. 20 s. 35\(8\)](#)
- Pt. 5A applied (with modifications) by [S.I. 2012/2734 reg. 3-6 Sch. Pt. 1](#)
- Pt. 5A applied (with modifications) by [S.I. 2012/2734 reg. 3-6 Sch. Pt. 2](#)
- Pt. 5A applied (with modifications) by [S.I. 2012/2734 reg. 3-6 Sch. Pt. 3](#)
- Pt. 5A applied in part (with modifications) by [S.I. 2010/601 reg. 6](#)
- Pt. 5A modified by [2011 nawm 4 s. 14\(8\)](#)
- Pt. 5A modified by [2011 nawm 4 s. 83\(7\)](#)
- Pt. 5A modified by [2014 c. 2 Sch. 7 para. 9\(6\) \(7\)](#)
- Pt. 5A modified by [2000 c. 22 s. 9FA\(6\)\(a\) \(as inserted\) by 2011 c. 20 Sch. 2 para. 1](#)
- Pt. 5A power to apply (with modifications) conferred by [2000 c. 22 s. 9GA\(7\) \(as inserted\) by 2011 c. 20 Sch. 2 para. 1](#)
- s. 9E power to apply (with modifications) conferred by [2000 c. 22 s. 9EA\(4\)\(c\)\(6\) \(as inserted\) by 2011 c. 20 Sch. 2 para. 1](#)
- s. 24A 24B inserted by [2013 anaw 4 s. 51\(2\)](#)
- s. 25B inserted by [2013 anaw 4 s. 51\(3\)](#)
- s. 27A inserted by [2011 nawm 4 s. 101](#)
- s. 27B inserted by [2011 nawm 4 s. 102](#)
- s. 27C inserted by [2011 nawm 4 s. 103](#)
- s. 27D inserted by [2011 nawm 4 s. 104](#)
- s. 27E inserted by [2011 nawm 4 s. 105](#)
- s. 27F inserted by [2011 nawm 4 s. 106](#)
- s. 27F(6) words substituted by [2011 c. 25 Sch. 7 para. 23](#)
- s. 27G inserted by [2011 nawm 4 s. 107](#)
- s. 27H inserted by [2011 nawm 4 s. 108](#)
- s. 27H(6) words substituted by [2011 c. 25 Sch. 7 para. 24](#)
- s. 27I inserted by [2011 nawm 4 s. 109](#)
- s. 27J inserted by [2011 nawm 4 s. 110](#)

- s. 27K inserted by 2011 nawm 4 s. 111
- s. 27L inserted by 2011 nawm 4 s. 112
- s. 27M inserted by 2011 nawm 4 s. 113
- s. 30(1)(ba) inserted by 2013 anaw 4 Sch. 1 para. 1(3)(a)
- s. 33B inserted by 2011 nawm 4 s. 98
- s. 33C inserted by 2011 nawm 4 s. 99
- s. 55(2A)-(2D) inserted by 2011 nawm 4 s. 122
- s. 56(4A)-(4C) inserted by 2011 nawm 4 s. 125
- s. 57(4A)-(4D) inserted by 2011 nawm 4 s. 123
- s. 57A inserted by 2011 nawm 4 s. 124
- s. 57A repealed by 2013 anaw 4 Sch. 2 Table 1
- s. 67(5A) (5B) inserted by 2011 c. 13 Sch. 10 para. 2
- s. 70(1) words inserted by 2013 anaw 4 Sch. 1 para. 1(5)(a)
- s. 70(1) words substituted by 2015 c. 20 Sch. 13 para. 6(7)(a)
- s. 74(3A) inserted by 2013 anaw 4 Sch. 1 para. 1(7)(c)
- s. 74(8) inserted by 2013 anaw 4 Sch. 1 para. 1(7)(d)
- s. 80(2AB) inserted by 2015 anaw 4 Sch. 1 para. 3
- s. 85(3B)-(3D) inserted by 2011 nawm 4 s. 31(2)
- s. 88(1)(a)(b) modified by S.I. 2014/864 art. 12(2)
- s. 100(I) applied (with modifications) by S.I. 2011/1455 Sch. para. 7(1)(b)
- s. 100A(5A) inserted by S.I. 2014/2095 reg. 4(2)
- s. 100A(7A)-(7F) inserted by S.I. 2014/2095 reg. 4(5)
- s. 100A(9) inserted by S.I. 2014/2095 reg. 4(6)
- s. 100E(1A) inserted by S.I. 2014/2095 reg. 4(7)
- s. 100E(3)(bba)(bbb) inserted by 2016 c. 1 Sch. 5 para. 2
- s. 100J(1)(h) inserted by 2011 c. 20 Sch. 22 para. 3(2)
- s. 100J(1)(be) inserted by 2011 c. 20 s. 231(3)
- s. 100J(1)(bf) inserted by 2016 c. 1 Sch. 5 para. 3(a)
- s. 100J(2B) inserted by S.I. 2014/2095 reg. 4(8)(b)
- s. 100J(2B)(a) omitted by 2015 c. 20 Sch. 13 para. 6(7)(f)(iii)
- s. 100J(3YA) inserted by 2011 c. 20 s. 231(5)
- s. 100J(3ZAA) inserted by 2011 c. 20 Sch. 22 para. 3(4)
- s. 100J(4AA) inserted by 2011 c. 20 s. 231(6)
- s. 100EA(2A) inserted by 2011 nawm 4 s. 57(1)(b)
- s. 101(1D)(1E) inserted by 2016 c. 1 Sch. 5 para. 4(a)
- s. 101(5C)-(5E) inserted by 2016 c. 1 Sch. 5 para. 4(b)
- s. 101(13A) inserted by 2017 c. 3 Sch. 2 para. 38(3)
- s. 102(6)-(11) excluded by S.I. 2017/470 Sch. 2 para. 2(a)
- s. 102(6)-(11) inserted by 2017 c. 3 s. 7(2)
- s. 107(2A) inserted by 2017 c. 3 s. 23(4)(b)
- s. 112(2A) inserted by 2011 c. 20 s. 41(4)
- s. 120(3A) inserted by 2011 c. 13 Sch. 16 para. 107
- s. 120(3B) inserted by 2017 c. 3 Sch. 1 para. 24
- s. 123(2AA) inserted by 2010 nawm 6 s. 2(2)(b)
- s. 134(6) inserted by S.I. 2010/1158 Sch. 2 para. 26(3)(b)
- s. 138A 138B inserted by 2015 c. 27 s. 1
- s. 138A modified by 1995 c. 25 Sch. 8 para. 3(1A) (as inserted) by 2015 c. 27 s. 2(3)
- s. 138B modified by 1995 c. 25 Sch. 8 para. 3(1A) (as inserted) by 2015 c. 27 s. 2(3)
- s. 138C inserted by 2015 c. 27 s. 2(1)
- s. 138C(1)(d) substituted by 2017 c. 3 Sch. 2 para. 41
- s. 138C(1)(pa) inserted by 2017 c. 3 Sch. 1 para. 25
- s. 146A(1ZC) inserted by 2011 c. 20 s. 9(8)(b)
- s. 146A(1ZC) words substituted by 2017 c. 3 Sch. 2 para. 43(3)
- s. 146A(1ZD)(1ZE) inserted by 2011 c. 20 s. 14(1)(b)
- s. 146A(1ZE) inserted by 2017 c. 3 Sch. 2 para. 43(4)
- s. 177(1A)(ba) inserted by 2011 c. 21 Sch. 1 para. 1(a)
- s. 232(1ZA) inserted by 2013 anaw 4 s. 56
- s. 235(2A) inserted by S.I. 2016/165 Sch. 2 para. 5(2)

- s. 236A(6) omitted by 2012 anaw 2 Sch. 2 para. 9(4)(c)
- s. 236A(10) omitted by 2012 anaw 2 Sch. 2 para. 9(4)(c)
- s. 236A(11) omitted by 2012 anaw 2 Sch. 2 para. 9(4)(c)
- s. 236B(4A) inserted by S.I. 2016/165 Sch. 2 para. 5(3)
- s. 237ZA inserted by 2011 c. 13 s. 150(2)
- Sch. 12 Pt. 6I applied (with modifications) by S.I. 2011/939 art. 7 Sch. 1
- Sch. 12 Pt. 1 para. 6ZA excluded by S.I. 2017/470 Sch. 2 para. 2(c)
- Sch. 12 para. 26(2)(aa) inserted by 2013 anaw 4 s. 57(a)(ii)
- Sch. 12 para. 26(2A) inserted by 2013 anaw 4 s. 57(b)
- Sch. 12 para. 30E(7)(aa) inserted by 2013 anaw 4 s. 57(e)
- Sch. 12 para. 26A inserted by 2011 nawm 4 s. 96
- Sch. 12 para. 29A inserted by 2011 nawm 4 s. 97
- Sch. 12 para. 30(5) inserted by 2011 nawm 4 s. 88(1)(e)
- Sch. 12 para. 30A inserted by 2011 nawm 4 s. 88(2)
- Sch. 12 para. 30B inserted by 2011 nawm 4 s. 89
- Sch. 12 para. 30C inserted by 2011 nawm 4 s. 90
- Sch. 12 para. 30D inserted by 2011 nawm 4 s. 91
- Sch. 12 para. 30E inserted by 2011 nawm 4 s. 92
- Sch. 12 para. 38A inserted by 2011 nawm 4 s. 94
- Sch. 12 para. 38B inserted by 2011 nawm 4 s. 95(1)
- Sch. 12 Pt. 3 para. 18(7)-(11) inserted by 2014 c. 2 s. 42(3)
- Sch. 12 Pt. 1 para. 6ZA inserted by 2017 c. 3 s. 7(3)
- Sch. 12 para. 4(1A)(1B) inserted by S.I. 2015/5 art. 2(2)
- Sch. 12 para. 10(2A) inserted by S.I. 2015/5 art. 2(4)(b)
- Sch. 12 para. 30B(3) substituted by 2013 anaw 4 s. 57(c)(i)
- Sch. 12 para. 30C(1) substituted by 2013 anaw 4 s. 57(d)(i)
- Sch. 12 para. 30B(7) words inserted by 2013 anaw 4 s. 57(c)(ii)
- Sch. 12 para. 30C(2) words inserted by 2013 anaw 4 s. 57(d)(ii)
- Sch. 12 para. 30B(7) words substituted by 2013 anaw 4 s. 57(c)(iii)

### **Commencement Orders yet to be applied to the Local Government Act 1972**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2010/101 art. 2-5 commences (2008 c. 29)
- S.I. 2010/112 art. 2 3 commences (2007 c. 28)
- S.I. 2010/630 art. 3 commences (2009 c. 23)
- S.I. 2010/862 art. 2 3 commences (2008 c. 17)
- S.I. 2010/1937 art. 2-4 Sch. 1-3 commences (2010 c. 32)
- S.I. 2010/2195 art. 3 commences (2009 c. 23)
- S.I. 2011/556 art. 1-3 commences (2009 c. 23)
- S.I. 2011/2011 art. 2 commences (2011 nawm 4)
- S.I. 2011/2834 art. 2 3 commences (2011 c. 13)
- S.I. 2011/3019 art. 3 Sch. 1 commences (2011 c. 13)