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, [\(^{f1}\)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.

\(^{f2}(2A)\) 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.

\(^{f3}(2AA)\) Subsection (2A) does not apply to a disposal to which the provisions of regulations 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 [\(^{f4}\)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),
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.]

(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

<table>
<thead>
<tr>
<th>Amendment</th>
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<tbody>
<tr>
<td>F1</td>
<td>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)</td>
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<tr>
<td>F2</td>
<td>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</td>
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<td>F3</td>
<td>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)</td>
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<td>F4</td>
<td>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)</td>
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<td>F5</td>
<td>S. 123(4)(5) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, Sch. 34 Pt. XIII</td>
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<td>F6</td>
<td>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</td>
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Modifications etc. (not altering text)

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<tr>
<td>C1</td>
<td>S. 123 excluded by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 76(11), 137(6), 189(6), 231(7), 235(6)</td>
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<td>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</td>
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<td>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))</td>
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<td>S. 123 excluded (11.1.1996) by 1996 c. 56, ss. 204(7), 583(2) (with s. 1(4))</td>
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<td>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</td>
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<td>S. 123 excluded (W.) (1.9.2001) by S.I. 2001/2678, reg. 16, Sch. 4 para. 21(5)</td>
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<td>S. 123 excluded by Greenham and Crookham Commons Act 2002 (c. 1), s. 18(11) (with ss. 38, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)</td>
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<td>C2</td>
<td>S. 123 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), Sch. 2</td>
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<td>S. 123 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), Sch. 2</td>
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<td>C3</td>
<td>S. 123: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, Sch. 2</td>
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<td>S. 123: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)</td>
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<td>C4</td>
<td>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</td>
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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.


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(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

C12 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)

C13 S. 123(2) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), Sch. 8 para. 9(1)

C14 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

C15 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)

C16 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)

C17 S. 123(2A) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), Sch. 8 para. 9(2)

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C19 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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<td>– s. 120-123 applied (with modifications) by S.I. 2017/558 art. 8Sch. 1</td>
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<td>– s. 123 applied (with modifications) by S.I. 2015/435 Sch. para. 17</td>
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<td>– s. 123 excluded by S.I. 2013/3110 Sch. 5 para. 10(5)</td>
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<td>– s. 123 modified by S.I. 2018/103 reg. 19(4)</td>
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<td>– s. 123(2) excluded by S.I. 2013/1967 art. 43</td>
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Blanket amendment words substituted by S.I. 2011/1043 art. 34
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
– Pt. 5A applied by S.I. 2018/639 art. 17(1) |
– Pt. 5A applied by S.I. 2018/640 art. 17(1) |
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– Pt. 5A applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 3 |
– Pt. 5A excluded by S.I. 2018/574 art. 66(9) |
– Pt. 5A modified by 2014 c. 2 Sch. 7 para. 9(6)(7) |
– s. 5A applied by S.I. 2019/957 art. 15(1) |
– s. 24A24B inserted by 2013 anaw 4 s. 51(2) |
– s. 25B inserted by 2013 anaw 4 s. 51(3) |
– s. 30(1)(ba) inserted by 2013 anaw 4 Sch. 1 para. 1(3)(a) |
– 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. 88(1)(a)(b) modified by S.I. 2014/864 art. 12(2) |
– 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)(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. 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. 120(3B) inserted by 2017 c. 3 Sch. 1 para. 24 |
– s. 138A138B 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. 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)
– 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 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)