



# Local Government Act 1972

## 1972 CHAPTER 70

### PART VII

#### MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

##### *Land transactions—parish and community councils*

#### **126 Appropriation of land by parish and community councils and by parish meetings.**

- (1) Any land belonging to a parish or community council which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the council for any other purpose for which the council are authorised by this or any other public general Act to acquire land by agreement.
- (2) In the case of a parish which does not have a separate parish council, any land belonging to the parish meeting which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the parish meeting for any other purpose approved by the Secretary of State.
- (3) The appropriation of land by virtue of this section by a parish or community council or by a parish meeting shall be subject to the rights of other persons in, over or in respect of the land concerned.
- (4) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land which they may be authorised to appropriate under [<sup>F1</sup>section 229 of the Town and Country Planning Act 1990] (land forming part of a common, etc.) unless—
  - (a) the total of the land appropriated in any particular common, <sup>F2</sup>. . . or fuel or field garden allotment (giving those expressions the same meanings as in [<sup>F3</sup>the said section 229]) does not in the aggregate exceed 250 square yards, and

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- (b) before appropriating 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 appropriation which may be made to them,

<sup>F4</sup> .....

[<sup>F5</sup>(4A) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land consisting or forming part of an open space unless before appropriating 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 appropriation which may be made to them.

(4B) Where land appropriated by virtue of subsection (4A) above is held—

- (a) for the purposes 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 appropriation 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>F6</sup>(5) .....

- (6) Where land has been acquired under this Act or any other enactment or any statutory order incorporating the Lands Clauses Acts and is subsequently appropriated under this section any work executed on the land after the appropriation has been effected shall be treated for the purposes of section 68 of the <sup>M1</sup>Lands Clauses Consolidation Act 1845 and section 10 of the <sup>M2</sup>Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

<sup>F6</sup>(7) .....

#### Textual Amendments

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)  
**F2** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)  
**F3** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)  
**F4** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)  
**F5** S. 126(4A)(4B) inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\), s. 118, Sch. 23 Pt. V para. 17\(2\)](#)  
**F6** S. 126(5)(7) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

#### Marginal Citations

- M1** 1845 c. 18.  
**M2** 1965 c. 56.

**Changes to legislation:**

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

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

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)