



# Local Government Act 1972

## 1972 CHAPTER 70

### PART VII

#### MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

##### *Land transactions—general provisions*

#### **128 Consents to land transactions by local authorities and protection of purchasers.**

- (1) In any case where under the foregoing provisions of this Part of this Act the consent of any Minister is required to a dealing in land by a local authority, that consent may be given—
  - (a) in relation to any particular transaction or transactions or in relation to a particular class of transactions; and
  - (b) in relation to local authorities generally, or local authorities of a particular class, or any particular local authority or authorities; and
  - (c) either unconditionally or subject to such conditions as the Minister concerned may specify (either generally, or in relation to any particular transaction or transactions or class of transactions).
- (2) Where under the foregoing provisions of this Part of this Act or under any other enactment, whether passed before, at the same time as, or after, this Act, a local authority purport to acquire, appropriate or dispose of land, then—
  - (a) in favour of any person claiming under the authority, the acquisition, appropriation or disposal so purporting to be made shall not be invalid by reason that any consent of a Minister which is required thereto has not been given or that any requirement as to advertisement or consideration of objections has not been complied with, and
  - (b) a person dealing with the authority or a person claiming under the authority shall not be concerned to see or enquire whether any such consent has been given or whether any such requirement has been complied with.

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*Changes to legislation: Local Government Act 1972, Section 128 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes*

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- (3) Notwithstanding that principal councils are authorities to whom Part II of the <sup>M1</sup>Town and Country Planning Act 1959 applies, sections 22, 23 and 26 of that Act (provisions relating to consents required for the exercise of powers of acquisition, appropriation and disposal of land) shall not apply in relation to the exercise by principal councils of powers conferred by this Part of this Act, and in section 29 of that Act (protection of purchasers) references to an authority to whom the said Part II applies shall be construed as though that expression did not include a principal council.
- (4) In this section “local authority” includes a parish meeting and the parish trustees of a parish.

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

- C1** S. 128 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.  
 S. 128: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C2** S. 128 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.  
 S. 128: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
 S. 128 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
 S. 128 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
 S. 128: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**  
 S. 128 applied (with modifications) (1.4.2001 (E.) and 1.5.2001 (W.)) by 2000 c. 37, s. 87(6), **Sch. 14 para. 6** (with s. 84(4)-(6)); S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**
- C3** Ss. 128-131 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**
- C4** Ss. 128-131 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
- C5** Ss. 128-131 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**
- C6** Ss. 128-131 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**
- C7** S. 128(1) amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C8** S. 128(2) restricted by Housing Act 1980 (c. 51, SIF 61), s. 137(1)
- C9** S. 128(2) excluded by Housing and Building Control Act 1984 (c. 29, SIF 61), s. 22(7)
- C10** S. 128(2) restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 93(1)
- C11** S. 128(2) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(e)**
- C12** S. 128(2) excluded by Housing Act 1985 (c. 68, SIF 61), s. 44(2)  
 S. 128(2) extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(c)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)  
 S. 128(2) modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(c)**
- C13** S. 128(2) applied by 1990 c. 8, s. 233(9) (as inserted (25.6.2013 for E.) by Growth and Infrastructure Act 2013 (c. 27), ss. 8(3), 35(1); S.I. 2013/1124, art. 3)

#### Marginal Citations

- M1** 1959 c. 53.

**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](#)