



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART VI

#### ACQUISITION AND APPROPRIATION OF LAND AND RELATED PROVISIONS

##### *Acquisition and appropriation of land*

#### **121 Appropriation of land forming part of common etc.**

- (1) Any local authority may be authorised, by an order made by that authority and confirmed by the Secretary of State, to appropriate for any purpose for which that authority can be authorised to acquire land under any enactment any land for the time being held by them for other purposes, being land which is or forms part of a common, open space or fuel or field garden allotment (including any such land which is specially regulated by any enactment, whether public general or local or private), other than land which is Green Belt land within the meaning of the Green Belt (London and Home Counties) Act 1938.
- (2) Paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 (special provision with respect to compulsory purchase orders under that Act relating to land forming part of a common, open space or fuel or field garden allotment) shall apply to an order under this section authorising the appropriation of land as it applies to a compulsory purchase order under that Act.
- (3) Section 163 of the Local Government Act 1933 (general provisions as to the appropriation of land by local authorities) shall not apply to land which a local authority have power to appropriate under subsection (1) of this section.
- (4) Where land appropriated under this section was acquired under an enactment incorporating the Lands Clauses Acts, any works executed on the land after the appropriation has been effected shall, for the purposes of section 68 of the Lands Clauses Consolidation Act 1845 and section 10 of the Compulsory Purchase Act 1965 be deemed to have been authorised by the enactment under which the land was acquired.

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*Status: This is the original version (as it was originally enacted). This  
item of legislation is currently only available in its original format.*

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- (5) On an appropriation of land by a local authority under this section, where—
- (a) the authority is not an authority to whom Part II of the Act of 1959 applies ; or
  - (b) the land was immediately before the appropriation held by the authority for the purposes of a grant-aided function within the meaning of the Act of 1959, or is appropriated by the authority for the purposes of such a function,
- there shall be made in the accounts of the local authority such adjustments as the Secretary of State may direct.
- (6) On an appropriation under this section which does not fall within subsection (5) of this section, there shall be made such adjustment of accounts as is required by section 24(1) of the Act of 1959.