

RELEVANT EXTRACTS FROM SECTION 122 LOCAL GOVERNMENT ACT (1972) (AS AMENDED)

(1) Subject to the following provisions of this section, a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned.

(2A) A principal council may not appropriate under subsection (1) above 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.

(2B) Where land appropriated by virtue of subsection (2A) above is held-

- (a) for the purposes of S.164 of the Public Health Act 1875 (pleasure grounds); or
- (b) in accordance with S.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 held in trust for enjoyment by the public in accordance with the said S.164 or, as the case may be, the said S.10.