



Local Government Act 1972

1972 CHAPTER 70

PART IX

FUNCTIONS

The environment

189 Commons.

- (1) ^{F1}
- (2) ^{F1}

(3) The references in section 12 of the ^{M1}Inclosure Act 1857 (prevention of nuisances in town and village greens, etc.) to a churchwarden or overseer of the parish in which the town or village green or land is situated shall be construed—

- (a) with respect to a green or land in a parish, as references to the parish council, or, where there is no parish council, the parish meeting;
- (b) with respect to a green or land in a community where there is a community council, as references to the community council;
- (c) with respect to any other green or land, as references to the council of the district [^{F2}or Welsh principal area] in which the green or land is situated;

and where those references fall to be construed in accordance with paragraph (c) above, the reference in the said section 12 to highways in the parish shall be construed as a reference to highways in the district [^{F3}or (as the case may be) area].

^{X1}(4) In section 193(1) of the ^{M2} Law of Property Act 1925 (right of the public over certain commons, including those situated within a borough or urban district) after the words “situated within” there shall be inserted the words “an area which immediately before 1st April 1974 was ”.

Changes to legislation: Local Government Act 1972, Section 189 is up to date with all changes known to be in force on or before 27 May 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

Editorial Information

- X1** The text of s. 189(2)(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
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Textual Amendments

- F1** S. 189(1)(2) repealed (1.10.2006 for E and 6.9.2007 for W.) by [Commons Act 2006 \(c. 26\)](#), ss. 53, 56, [Sch. 6 Pt. 1](#) (with s. 60); S.I. 2006/2504, [art. 2\(h\)](#); S.I. 2007/2386, [art. 3\(p\)\(ii\)](#)
- F2** Words in s. 189(3)(c) inserted (1.4.1996) by 1994 c. 19, s. 66(5), [Sch. 15 para. 38\(a\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)
- F3** Words in s. 189(3) inserted (1.4.1996) by 1994 c. 19, s. 66(5), [Sch. 15 para. 38\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)
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Marginal Citations

- M1** 1857 c. 31.
- M2** 1925 c 20.

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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](#)