

Acquisition of Land Act 1981 c. 67

s. 19 Commons, open spaces etc.



Law In Force

Version 2 of 2

25 September 1991 - Present

Subjects

Planning; Real property

Keywords

Commons; Compulsory purchase orders; Open spaces; Parliamentary procedure

19.— Commons, open spaces etc.

(1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

(a) that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased, or

[

(aa) that the land is being purchased in order to secure its preservation or improve its management.

] ¹

(b) that the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.

(2) Where it is proposed to give a certificate under this section, the Secretary of State shall [direct the acquiring authority to] ² give public notice of his intention so to do, and—

(a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and

(b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

the Secretary of State may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry, give the certificate.

[

(2A) Notice under subsection (2) above shall be given in such form and manner as the Secretary of State may direct.

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(3) A compulsory purchase order may provide for—

(a) vesting land given in exchange as mentioned in Subsection (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and

(b) discharging the land purchased from all rights, trusts and incidents to which it was previously subject [...]⁴

[except where the Secretary of State has given a certificate under subsection (1)(aa) above.]⁴

(4) In this section—

“*common*” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,

“*fuel or field garden allotment*” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,

“*open space*” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.

Notes

¹ Added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(1\)\(a\)](#) (September 25, 1991)

² Words added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(1\)\(b\)](#) (September 25, 1991)

³ Added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(1\)\(c\)](#) (September 25, 1991)

⁴ Words added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(1\)\(d\)](#) (September 25, 1991)

*Part III SPECIAL KINDS OF LAND > Orders subject to special
parliamentary procedure > s. 19 Commons, open spaces etc.*

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