



Church Property Measure 2018

2018 No. 8

PART 3

NEWLY ACQUIRED LAND

30 Land subject to rights of common

- (1) Where land forms part of a common or part of the waste of a manor, the lord of the manor may grant the land to the DBF for a purpose specified in section 28(1).
- (2) A document which gives effect to a grant under this section by vesting the fee simple of the land in the DBF has effect as if every person with a right of common in or over the land were a party to the grant.
- (3) A grant under this section may not be made without the consent of the Secretary of State; and sections 39 and 40 of the Commons Act 2006 apply to an application for consent under this subsection as they apply to an application to the Secretary of State for consent under section 38(1) of that Act.
- (4) Where it appears to the Secretary of State that a right of common will be substantially affected by a grant under this section, he or she must, if giving consent under subsection (3), require that as a condition of that consent compensation is paid to the person entitled to that right.
- (5) In its application to a case coming within subsection (4), this Part has effect as if sections 99 to 107 of the Land Clauses Consolidation Act 1845 (compensation payments) were incorporated with it and as if the DBF were, for that purpose, the promoters of the undertaking within the meaning of that Act.