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SCHEDULES . .

THIRD SCHEDULE

PART II

RESTRICTIONS ON ACQUISITION OF LAND.

- 1 The Minister shall not confirm an order for the compulsory purchase of any land which is the site of an ancient monument or other object of archaeological interest, unless he is satisfied that the monument or object is not being properly protected, preserved and maintained and that its acquisition by the responsible authority is necessary for securing its protection or preservation and maintenance.
- 2 The Minister shall not confirm an order for the compulsory purchase of any land which belongs to any local authority within the meaning of the Local Loans Act, 1875, or to any statutory undertakers unless the land is required for the widening of an existing highway and the authority or undertakers consent :

Provided that such consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be decided by the Minister, but the Minister, before giving his decision as to whether or not the consent of any undertakers is unreasonably withheld, shall, where any Government department other than the Ministry of Health are concerned with the functions of the undertakers, consult with the Secretary of State or other Minister in charge of that department, and shall, if the undertakers so desire, afford them an opportunity of appearing before and being heard by one or more persons appointed for the purpose by the Minister and the Secretary of State or other Minister acting jointly.
- 3 The Minister shall not confirm an order for the compulsory purchase of any land forming the site of a highway which has been stopped up under a provision contained in a scheme if any person who, under section one hundred and twenty-eight of the Lands Clauses Consolidation Act, 1845, is, or would upon a disposition thereof be, entitled to a right of pre-emption in respect of the land, has given notice of his desire to purchase the land, or if a right of pre-emption under the said section has been exercised in respect of the land.
- 4 (i) Where a scheme or an order made in connection with a scheme authorises the acquisition or appropriation of any land forming part of any common, open space, or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except—
 - (a) where the scheme provides for giving in exchange for such land other land, not being less in area, certified by the Minister, after consultation with the Minister of Agriculture and Fisheries, to be equally advantageous to the persons, if any, entitled to rights of common or other rights and to the public; or
 - (b) where such land is required for the widening of an existing highway and the Minister, after consultation with the Minister of Agriculture

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and Fisheries, declares that the giving in exchange of other land is unnecessary either in the interests of the persons, if any, entitled to rights of common or other rights, or of the public.

- (ii) Before giving any such certificate, or making any such declaration, the Minister shall give public notice of the proposed exchange, or of his intention to make the declaration, and shall afford opportunity to all persons interested to make representations and objections in relation thereto, and shall, if necessary, cause a local inquiry to be held on the subject.
- (iii) Where any scheme authorises such an exchange as aforesaid, it shall provide for vesting the land given in exchange in the persons in whom the common, open space or allotment was vested, subject to the same rights, trusts, and incidents as attached to the common, open space or allotment, and for discharging the part of the common, open space or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.
- (iv) For the purposes of this Part of this Schedule the expression " common " includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression " open space " means any land laid out as a public garden, or used for the purposes of public recreation, and any disused burial ground; and the expression " allotment " means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act; and for the purposes of paragraph 2 of this Part of this Schedule the expression " highway " shall not include a bridge by which a highway is carried over or under any railway, canal or navigable waterway, or the approaches to any such bridge, or the road carried by any such bridge and approaches.