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SCHEDULES . .

THIRD SCHEDULE

PART II

RESTRICTIONS ON ACQUISITION OF LAND.

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- (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 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.