



Greenham and Crookham Commons Act 2002

2002 CHAPTER i

PART 3

PUBLIC ACCESS

18 Exchange of common land

- (1) If the Council consider that it will be conducive to the attainment of all or any of the purposes set out in section 8(1) (a) to (c) (General duty of Council and Commission) above, the Council may, subject to the provisions of this section, exchange for any land forming part of the Common (“the land disposed of”) other land (“the exchange land”).
- (2) The Council may not exercise the power under subsection (1) above, unless it is satisfied that the requirement of subsection (3)(a) or (b) below is met.
- (3) The requirement of this subsection is—
 - (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 entitled to rights of common and to the public and that the land given in exchange has been or will be vested in the Council; or
 - (b) that the effect of the exchange will be to improve the conservation and management of the Common as a whole and benefit the neighbourhood.
- (4) Upon the exchange of any land under this section—
 - (a) the land disposed of shall cease for all purposes to form part of the Common and shall be freed from all rights and obligations whatsoever attaching to the land by virtue of its having been common land (whether under this Act, any other enactment or otherwise) but shall remain subject to any other rights to which it was subject before the exchange; and

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- (b) the exchange land shall become part of the Common and subject to all rights and obligations under this Act and any other enactment or rule of law to which the land disposed of was subject.
- (5) The Council may only exercise the power under subsection (1) above—
 - (a) where the area of the land to be disposed of is less than five hectares, with the prior approval of either the Secretary of State or the Commission; or
 - (b) in any other case, with the prior approval of the Secretary of State.
- (6) Before making an application to the Secretary of State or the Commission for approval under subsection (5) above, the Council shall publish the required notice in a local newspaper circulating in the area of the Common.
- (7) The required notice is a notice—
 - (a) stating that the Council proposes to apply to the Secretary of State or the Commission for consent to exchange land under subsection (5) above;
 - (b) naming the Council's offices or another place in the area of the Council where a plan showing the location of the land to be disposed of and the exchange land can be inspected free of charge, and copies may be obtained at a reasonable charge, at all reasonable hours; and
 - (c) specifying the period of time (not being less than 21 days from the date of the notice) within which, and the manner in which, any person may serve on the Council any written representations with respect to the proposed exchange.
- (8) The Council—
 - (a) shall consider any written representations duly made under subsection (7) above; and
 - (b) may withdraw the proposal, or make any modifications to it, in the light of any such representations.
- (9) If the Council do not withdraw the proposal, they may apply to the Secretary of State or the Commission for consent under subsection (5) above to the proposed exchange (whether as originally made or as modified under subsection (8) above) and shall send to the Secretary of State or the Commission with the application a copy of any written representation duly made under subsection (7) above which has not been withdrawn.
- (10) Neither the Secretary of State nor the Commission shall give an approval to the exchange of any land under subsection (5) above unless the Secretary of State or, as the case may be, the Commission—
 - (a) is satisfied that the requirement of subsection (3)(a) or (b) above is met; and
 - (b) has considered any written representations duly made under subsection (7) above.
- (11) The provisions of section 123 of the 1972 Act (disposal of land by principal councils) shall not apply in relation to any disposal of land by the Council as part of an exchange of land under this section.