

Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 2

PROCEDURE FOR TAKING COMMON LAND

Modifications etc. (not altering text)

- C1** Sch. 2 extended by [Water Act 1989 \(c. 15, SIF 130\)](#), [ss. 58\(7\), 101\(1\), 141\(6\), 160\(1\)\(2\)\(4\), 163, 189\(4\)](#)—
(10), 190(3), 193(1), Sch. 25 para. 1(2)(xiv), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

Compulsory purchase

- 3 (1) A local authority shall have power to acquire compulsorily any land which is required by them for the purposes of their functions under the principal section, and which is part of the common land (or any commonable or other rights in or over that land), but the Minister shall not confirm a compulsory purchase order made in pursuance of this section except after giving his authority under paragraph 1 above as respects the land.
- (2) Any notice which relates to a compulsory purchase order made in pursuance of this paragraph and which is published [^{F1}, affixed] or served under [^{F2}section 11 or 12 of the ^{M1}Acquisition of Land Act 1981] shall refer to the provisions of this Schedule and shall state whether land has been, or is to be, given in exchange.
- (3) The notice to be published under paragraph 2 of this Schedule may be combined with a notice to be published under the said [^{F3}section 11 of the said Act of 1981] in the same newspaper and relating to the same land.
- (4) If land has been, or is to be, given in exchange—
- (a) the notice to be published [^{F4}, affixed] and served under [^{F5}section 11 or 12 of the said Act of 1981] shall give particulars of that land and state the respective areas of the land to be taken and of the land given or to be given in exchange,
 - (b) the map in the compulsory purchase order shall show that land,
 - (c) the compulsory purchase order may provide for vesting any land to be given in exchange in the persons, and subject to the rights, trusts and incidents, mentioned in paragraph 1(4) above.
- (5) A compulsory purchase order made in pursuance of this paragraph may provide for discharging the land purchased from all rights, trusts and incidents to which it was previously subject.
- (6) [^{F6}Section 19 of the Acquisition of Land Act 1981] (special provisions for acquisition of common land) shall not apply to a compulsory purchase order made in pursuance of this paragraph, and section 22 of the ^{M2}Commons Act 1899 (consent of Minister

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required for purchase of common land) shall not apply to the acquisition of land in pursuance of such a compulsory purchase order.

Textual Amendments

- F1** Word in [Sch. 2 para. 3\(2\)](#) inserted (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 7 para. 5\(2\)](#) (with s. 111, [Sch. 7 para. 5\(4\)](#)); S.I. 2004/2593, art. 2(d)
- F2** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [Sch. 4 para. 17\(2\)](#)
- F3** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [Sch. 4 para 17\(3\)](#)
- F4** Word in [Sch. 2 para. 3\(4\)\(a\)](#) inserted (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Sch. 7 para. 5\(3\)](#) (with s. 111, [Sch. 7 para. 5\(4\)](#)); S.I. 2004/2593, art. 2(d)
- F5** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [Sch. 4 para 17\(4\)](#)
- F6** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [Sch. 4 para 17\(5\)](#)

Marginal Citations

- M1** [1981 c. 67\(28:1\)](#).
- M2** [1899 c. 30\(25\)](#).

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