

SCHEDULES

SCHEDULE 4

ADAPTATION OF ENACTMENTS IN CONNECTION WITH COMPULSORY ACQUISITION OF RIGHTS

PART I

ADAPTATION OF PART III OF SCHEDULE 1 TO THE ACT OF 1946

- 1 In paragraph 9 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 (which relates to land belonging to local authorities, statutory undertakers or the National Trust), for references to the purchase of land there shall be substituted references to the purchase of rights over land.
- 2 In paragraph 10 of that Schedule (which relates to land belonging to statutory undertakers)—
 - (a) for the words " comprised in " there shall be substituted the words " over which a right is to be acquired by virtue of ";
 - (b) after the words "purchase of" there shall be inserted the words " a right over ";
 - (c) for the words " it can be purchased and not replaced " there shall be substituted the words " the right can be purchased ";
 - (d) for sub-paragraph (ii) there shall be substituted the following—
 - “(ii) that any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.”
- 3 In paragraph 11 of that Schedule (which relates to land forming part of a common, open space or allotment) for sub-paragraph (1) there shall be substituted the following—
 - “(1) In so far as a compulsory purchase order authorises the purchase of a right over land forming part of a common, open space or fuel or field garden allotment, it shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—
 - (a) that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and to the persons, if any, entitled to rights of common or other rights, and to the public, than it was before; or
 - (b) that there has been or will be given in exchange for the right additional land which will, as respects the persons in whom there is vested the land over which the right is to be purchased, the persons, if any, entitled to rights of common or other rights over

Status: This is the original version (as it was originally enacted).

that land and the public, be adequate to compensate them for the disadvantages which result from the purchase of the right, and that the additional land has been or will be vested in the persons in whom there is vested the land over which the right is to be purchased and subject to the like rights, trusts and incidents as attach to that land apart from the compulsory purchase order; or

- (c) that the land affected by the right to be purchased does not exceed 250 square yards in extent and that the giving of other land in exchange for the right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public ;

and certifies accordingly.”

- 4 In sub-paragraph (3) of the said paragraph 11, after the words " the land " there shall be inserted the words " over which any right is to be " and-at the end of the sub-paragraph there shall be inserted the words " so far as their continuance would be inconsistent with the exercise of that right ".
- 5 In paragraph 12 of that Schedule (which among other things relates to ancient monuments), after the words " purchase of " there shall be inserted the words " rights over ".