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SCHEDULES

SCHEDULE 4

PROCEDURE FOR AUTHORISING COMPULSORY ACQUISITIONS

PART IV

Special provisions as to certain descriptions of land

- 12 In so far as a compulsory purchase order authorises the acquisition of land—
- (a) which is the property of a local authority, or
 - (b) which is land belonging to the National Trust, and which is held by the Trust inalienably,
- the order shall be subject to special parliamentary procedure in any case where an objection [^{F1}to the acquisition of the land] has been duly made by the local authority or the National Trust, as the case may be, and has not been withdrawn.

Textual Amendments

- F1** Words in Sch. 4 para. 12 substituted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), ss. 25(8), 35(1); S.I. 2013/1488, art. 3(e) (with art. 8(3))

- 13 (1) In so far as a compulsory purchase order authorises the acquisition of any land forming part of any common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State . . . ^{F2}, is satisfied—
- (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 (if any) entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land acquired was vested, and subject to the like rights, trusts and incidents as attached to the land acquired, or
 - (b) that the land is required for the widening of an existing highway and that the giving in exchange of other land 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.
- (2) Where it is proposed to give a certificate under this paragraph, the Secretary of State . . . ^{F3} shall give public notice of his intention so to do, and—
- (a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and

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- (b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,
- the Secretary of State . . . ^{F3} may, after considering any representations and objections made and, if any inquiry has been held, the report of the person who made the inquiry, give the certificate.
- (3) A compulsory purchase order may provide for vesting land given in exchange as mentioned in sub-paragraph (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and for discharging the land acquired from all rights, trusts and incidents to which it was previously subject.
- (4) As soon as may be after the giving of a certificate under this paragraph the acquiring authority shall publish in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land designated by the order is situated, a notice in the prescribed form stating that the certificate has been given.

Textual Amendments

F2 Words repealed by [S.I. 1985/442](#), [art. 5\(a\)](#)

F3 Words repealed by [S.I. 1985/442](#), [art. 5\(b\)](#)

Modifications etc. (not altering text)

C1 Functions of the Minister of Agriculture under Sch. 4 para. 13 transferred to the Secretary of State by [S.I. 1985/442](#), [art. 3](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1A(1) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(2) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(4) word inserted by [2023 c. 55 Sch. 16 para. 7\(4\)\(b\)](#)
- s. 1A(4) words substituted by [2023 c. 55 Sch. 16 para. 7\(4\)\(a\)](#)
- s. 1A(5)(a) words substituted by [2023 c. 55 Sch. 16 para. 7\(5\)\(a\)](#)
- s. 1ZA1ZB inserted by [2023 c. 55 s. 172\(2\)](#)
- s. 2(1A) inserted by [2023 c. 55 Sch. 16 para. 8](#)
- s. 3(2B)-(2D) inserted by [2023 c. 55 s. 172\(3\)\(c\)](#)
- s. 3(2ZA)(2ZB) inserted by [2023 c. 55 s. 178\(2\)\(b\)](#)
- s. 7A7B inserted by [2023 c. 55 s. 175\(2\)](#)
- s. 60(1A) inserted by [2023 c. 55 s. 179\(2\)\(b\)](#)
- s. 77(3E) inserted by [2023 c. 55 Sch. 17 para. 1\(3\)](#)
- Sch. 3 para. 10A10B and cross-heading inserted by [2023 c. 55 s. 175\(3\)](#)
- Sch. 4 para. 5A inserted by [2023 c. 55 s. 190\(3\)\(a\)](#)
- Sch. 5 para. 5A inserted by [2023 c. 55 s. 190\(3\)\(b\)](#)