



Land Settlement (Facilities) Act 1919

1919 CHAPTER 59 9 and 10 Geo 5

PART IV

GENERAL

28 Provisions as to commons and open spaces.

- (1) Any land which is, or forms part of, a metropolitan common within the meaning of the ^{M1}Metropolitan Commons Act, 1866, or which is subject to regulation under an order or scheme made in pursuance of the Inclosure Acts, 1845 to 1899, or under any local Act or otherwise, or which is or forms part of any town or village green, or of any area dedicated or appropriated as a public park, garden, or pleasure ground, or for use for the purposes of public recreation, shall not be appropriated under this Act by a council for small holdings or allotments, and shall not be acquired by a council or by the Board of Agriculture and Fisheries under the principal Act except under the authority of an order for compulsory purchase made under the principal Act, which so far as it relates to such land shall be provisional only, and shall not have effect unless it is confirmed by Parliament.
- (2) The Board of Agriculture and Fisheries, in giving or withholding their consent under this Act to the appropriation and in confirming an order for compulsory acquisition by a council for the purpose of small holdings or allotments of any land which forms part of any common, and in the exercise by the Board of their powers of acquiring land under this Act, shall have regard to the same considerations and shall hold the same inquiries as are directed by the ^{M2}Commons Act, 1876, to be taken into consideration and held by the Board before forming an opinion whether an application under the Inclosure Acts shall be acceded to or not. Any consent by the Board of Agriculture and Fisheries for the appropriation of land forming part of any common for the purpose of small holdings or allotments shall be laid before Parliament while Parliament is sitting, and, if within twenty-one days in either House of Parliament a motion is carried dissenting from such appropriation, the order of the Board shall be cancelled.
- (3) Where an order for compulsory purchase to which this section applies or a consent by the Board to the appropriation of land provides for giving other land in exchange for the common or open space to be purchased or appropriated, the order for compulsory

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purchase or an order made by the Board in relation to the consent for appropriation may vest the land given in exchange in the persons in whom the common or open space purchased or appropriated was vested subject to the same rights, trusts, and incidents as attached to the common or open space and discharges the land purchased or appropriated from all rights, trusts, and incidents to which it was previously subject.

- (4) Nothing in the principal Act shall be deemed to authorise the acquisition of any land which forms part of the trust property to which the ^{M3}National Trust Act, 1907, applies.

Modifications etc. (not altering text)

- C1** S. 28(1)-(3) excluded by [Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\)](#), **Sch. 4**
- C2** Functions of Minister of Agriculture, Fisheries and Food under s. 28 as to commons now exercisable by Secretary of State: [S.I. 1965/143](#), 1967/156 and 1970/1681

Marginal Citations

- M1** 1866 c. 122
- M2** 1876 c. 56.
- M3** 1907 c. cxxxvi.

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