



# Acquisition of Land Act 1981

## 1981 CHAPTER 67

### PART III

#### SPECIAL KINDS OF LAND

*Orders subject to special parliamentary procedure*

#### 19 Commons, open spaces etc.

**Annotations:**

**Modifications etc. (not altering text)**

C1 [S. 19](#) applied by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\)](#), [s. 229\(3\)](#)

- (1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State 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 purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased, or
  - <sup>[F1]</sup>(aa) that the land is being purchased in order to secure its preservation or improve its management]
  - (b) that the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a 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.

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*Changes to legislation:* There are outstanding changes not yet made by the [legislation.gov.uk](http://legislation.gov.uk) editorial team to Acquisition of Land Act 1981. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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- (2) Where it is proposed to give a certificate under this section, the Secretary of State shall [<sup>F2</sup>direct the acquiring authority to] 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
  - (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 may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry, give the certificate.
- [<sup>F3</sup>(2A) Notice under subsection (2) above shall be given in such form and manner as the Secretary of State may direct.]
- (3) A compulsory purchase order may provide for—
- (a) vesting land given in exchange as mentioned in subsection (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and
  - (b) discharging the land purchased from all rights, trusts and incidents to which it was previously subject [<sup>F4</sup>except where the Secretary of State has given a certificate under subsection (1)(aa) above.].
- (4) In this section—
- “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,
- “fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,
- “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.

**Annotations:**

**Amendments (Textual)**

- F1** S. 19(1)(aa) inserted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para. 12(1)(a); S.I. 1991/2067, [art.3](#).
- F3** S. 19(2A) inserted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15 para. 12\(1\)\(c\)](#); S.I. 1991/2067, [art.3](#).

**Modifications etc. (not altering text)**

- C1** S. 19 applied by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\)](#), [s. 229\(3\)](#)

### Changes to legislation:

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#### Changes and effects yet to be applied to :

- s. 19 excluded by 2006 c. 12 s. 36(3)(a)
- s. 19 modified by S.I. 2013/3244 art. 34(4)

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

- Act applied by 2013 anaw 6 s. 56(9)
- Act applied by 2003 c. 43 Sch. 4 para. 46
- Act applied by 2006 c. 41 s. 211(5)
- Act applied by 2006 c. 41 Sch. 3 para. 22(2)
- Act applied by 2006 c. 41 Sch. 4 para. 27(2)(3)
- Act applied by 2006 c. 42 s. 159(5)
- Act applied by 2006 c. 42 Sch. 2 para. 20(2)
- Act applied by 2006 c. 42 Sch. 3 para. 27
- Act applied by 2008 c. 18 s. 7(6)
- Act applied by S.I. 2010/490 reg. 34(5)
- Act applied (with modifications) by 2003 c. 21 Sch. 4 para. 3(4)
- Act applied (with modifications) by 2008 c. 17 Sch. 2 para. 1
- Act applied (with modifications) by S.I. 2005/1918 art. 22
- Act applied (with modifications) by S.I. 2008/1261 art. 30 33
- Act applied by 1994 c. 21 s. 4C(4) (as inserted) by 2003 c. 37 s. 85(1)
- Act applied by 2010 c. 32 Sch. 1 para. 5(6) (as substituted) by 2011 c. 21 Sch. 14 para. 1

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

- s. 5A 5B inserted by 2004 c. 5 s. 105(2)
- s. 5A power to apply (with modifications) conferred by 2009 c. 7 Sch. 2 para. 8(2)(a)
- s. 5B power to apply (with modifications) conferred by 2009 c. 7 Sch. 2 para. 8(2)(b)
- s. 13-13C substituted for s. 13 by 2004 c. 5 s. 100(6)
- s. 14A inserted by 2004 c. 5 s. 102(2)

#### Commencement Orders yet to be applied to the Acquisition of Land Act 1981

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/1900 art. 2 Sch. 1 2 commences (2003 c. 21)
- S.I. 2003/3142 art. 2-4 Sch. 1 2 commences (2003 c. 21)
- S.I. 2004/641 art. 2-5 commences (2003 c. 37)
- S.I. 2004/759 art. 2-13 commences (2003 c. 43)
- S.I. 2004/2097 art. 2 commences (2004 c. 5)
- S.I. 2004/2202 art. 2 3 commences (2004 c. 5)
- S.I. 2004/2304 art. 2 commences (2004 c. 21)
- S.I. 2004/2593 art. 2 commences (2004 c. 5)
- S.I. 2004/2917 art. 2 commences (2004 c. 21)
- S.I. 2005/910 art. 3 commences (2003 c. 39)
- S.I. 2006/1407 Sch. 1 Pt. 2 para. 12 commences (2002 c. 17)
- S.I. 2008/917 art. 2-5 commences (2007 c. 28)
- S.I. 2008/3068 art. 2-5 commences (2008 c. 17)
- S.I. 2009/3318 art. 2-4 commences (2009 c. 20)
- S.I. 2011/2329 art. 2 3 commences (2011 c. 5)

– [2006 No. 2 Instrument made by Archbishops commences \(2006 No. 1\)](#)