

Changes to legislation: Acquisition of Land Act 1981, Paragraph 6 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS

Modifications etc. (not altering text)

- C1 Sch. 3 applied by [Housing Act 1988](#) (c. 50, SIF 61), [s. 77\(5\)\(6\)](#)
- C1 Sch. 3 applied by [Water Act 1989](#) (c. 15, SIF 130), [s. 151\(4\)](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- C1 Sch. 3 applied (with modifications) by [Water Act 1989](#) (c. 15, SIF 130), [s. 155\(3\)\(7\)](#), [Sch. 20 paras. 6\(1\)\(b\)\(c\)](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- C1 Sch. 3 applied by [Electricity Act 1989](#) (c. 29, SIF 44:1), [ss. 10\(1\)](#), [112\(3\)](#), [Pt. II para. 5](#), [Sch. 17 para. 35\(1\)](#)
- C1 Schedule 3 applied (1.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), [ss. 155\(4\)](#), [223\(2\)](#) (with saving in [s. 188](#) and with [ss. 82\(3\)](#), [186\(1\)](#), [222\(1\)](#), [Sch. 14 para. 6](#))
Schedule 3 applied (with modifications) (1.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), [ss. 167](#), [223\(2\)](#), [Sch. 11 para. 6\(1\)\(b\)](#) (with [ss. 82\(3\)](#), [186\(1\)](#), [222\(1\)](#), [Sch. 14 para. 6](#))
Schedule 3 applied (with modifications) (1.12.1991) by [Water Resources Act 1991](#) (c. 57, SIF 130), [ss. 154\(4\)](#), [225\(2\)](#) (with saving in [s. 182](#) and with [ss. 16\(6\)](#), [179](#), [222\(3\)](#), [Sch. 22 para. 1](#), [Sch. 23 para. 6](#))
Schedule 3 applied (with modifications) (1.12.1991) by [Water Resources Act 1991](#) (c. 57, SIF 130), [ss. 168](#), [225\(2\)](#), [Sch. 19](#), [para. 6\(1\)\(b\)](#) (with [ss. 16\(6\)](#), [179](#), [222\(3\)](#), [Sch. 22 para. 1](#), [Sch. 23 para. 6](#))
Schedule 3 applied (with modifications) (10.11.1993) by [1993 c. 28](#), [ss. 162\(5\)](#), [169](#), [Sch. 20 Pt. I](#); [S.I. 1993/2762](#), [art. 3](#).
Sch. 3 applied (18.12.1996) by [1996 c. 61](#), [s. 5\(4\)](#)
Sch. 3 extended (26.3.2001) by [2000 c. 26](#), [s. 95](#), [Sch. 5](#), [Pt. II para. 4\(2\)](#); [S.I. 2000/2957](#), [art. 2\(3\)](#), [Sch. 3](#)
- C1 Sch. 3 applied (with modifications) (1.12.2008) by [Housing and Regeneration Act 2008](#) (c. 17), [s. 325\(1\)](#), [Sch. 2 para. 2](#); [S.I. 2008/3068](#), [art. 2\(1\)\(d\)](#) (with [arts. 6–13](#))
- C1 Sch. 3 applied (22.7.2008) by [Crossrail Act 2008](#) (c. 18), [s. 7\(6\)](#)

PART II

ACQUISITION OF NEW RIGHTS OVER SPECIAL KINDS OF LAND

Commons, open spaces etc.

- 6 (1) In so far as a compulsory purchase order authorises the acquisition 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 other persons, if any, entitled to rights of common or other rights, and to the public, than it was before, or
 - [^{F1}(aa) that the right is being acquired in order to secure the preservation or improve the management of the land]

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- (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 acquired, the persons, if any, entitled to rights of common or other rights over that land, and the public, be adequate to compensate them for the disadvantages which result from the acquisition 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 acquired, 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 acquired 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.

- (2) In the case of a compulsory purchase order under the ^{M1}Highways Act 1980 sub-paragraph (1)(c) above shall have effect as if after the words “extent” there were inserted the words “or the right is required in connection with the widening or drainage of an existing highway or in connection partly with the widening and partly with the drainage of such a highway”.
- (3) Where it is proposed to give a certificate under this paragraph, the Secretary of State shall [^{F2}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.

[^{F3}(3A) Notice under sub-paragraph (3) above shall be given in such form and manner as the Secretary of State may direct.]

- (4) 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 [^{F4}except where the Secretary of State has given his certificate under sub-paragraph (1)(aa) above.]for discharging the land over which any right is to be acquired from all rights, trusts and incidents to which it has previously been subject so far as their continuance would be inconsistent with the exercise of that right.
- (5) In this paragraph—
 - “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 purpose of public recreation, or land being a disused burial ground.

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Textual Amendments

- F1** Sch. 3, para. 6(1)(aa) inserted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para. 12(2)(a); S.I. 1991/2067, [art. 3](#).
- F2** Words in Sch. 3, para. 6(3) inserted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para. 12(2)(b); S.I. 1991/2067, [art. 3](#).
- F3** Sch. 3, para. 6(3A) inserted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para. 12(2)(c); S.I. 1991/2067, [art. 3](#).
- F4** Words in Sch. 3, para. 6(4) inserted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para. 12(2)(d); S.I. 1991/2067, [art. 3](#).
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Marginal Citations

- M1** 1980 c. 66.

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

- Act applied by [2023 asc 3 s. 43\(2\)](#)
- Act applied by [2023 asc 3 s. 50\(13\)](#)
- Act applied by [2023 asc 3 s. 137\(6\)](#)

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

- s. 7(4) inserted by [2023 c. 55 Sch. 18 para. 3\(2\)\(b\)](#)
- s. 26(1A)-(3) substituted for s. 26(1)(2) by [2023 c. 55 Sch. 18 para. 3\(3\)](#)