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SCHEDULES

SCHEDULE 2

ACQUISITION OF LAND BY CORPORATION

PART II

PROCEDURE, COMPENSATION ETC. (ENGLAND AND WALES)

New rights: specific adaptations of Act of 1946

- 6 Without prejudice to the generality of paragraph 5 above, Part III of Schedule 1 to the Act of 1946 (requirement of special parliamentary procedure, and other special provisions, in the case of acquisition of certain descriptions of land) shall apply in relation to the Corporation's compulsory acquisition of a right in England or Wales by the creation of a new right with the modifications specified in paragraphs 7 to 10 below.
- 7 In paragraph 9 of that Schedule (compulsory purchase affecting land of local authorities, statutory undertakers or National Trust) for references to the compulsory purchase of land there shall be substituted references to the compulsory acquisition of rights over land.
- 8 In paragraph 10 of that Schedule (land of statutory undertakers)—
- (a) for the words " land comprised in the order " there shall be substituted the words " land over which a right is to be acquired by virtue of the order ",
 - (b) for the words " purchase of " there shall be substituted the words " acquisition of a right over ",
 - (c) for the words " it can be purchased and not replaced " there shall be substituted the words " the right can be acquired ", and
 - (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”.
- 9 (1) In paragraph 11 of that Schedule (common land, open spaces, etc.) the following shall be substituted for sub-paragraph (1):
- “(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

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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 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 said paragraph 11, in sub-paragraph (3), the following shall be substituted for the words from " and for discharging " to the end—

“and 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”.

- 10 In paragraph 12 of that Schedule, for the words " the purchase of" there shall be substituted the words " the acquisition of a right over " .