



# 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.**

- (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.
- (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

*Status: Point in time view as at 31/03/2024.*

*Changes to legislation: Acquisition of Land Act 1981, Section 19 is up to date with all changes known to be in force on or before 21 June 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)*

- (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.

#### Textual Amendments

- 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](#).
- F2** Words in s. 19(2) inserted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para. 12(1)(b); 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](#).
- F4** Words in s. 19(3) added (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para. 12(1)(d); 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\(3\)](#)
- C2** S. 19 excluded (with effect in accordance with s. 40(9)(a) of the amending Act) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), [ss. 36\(3\)\(a\)](#), 40(1)(f)
- C3** S. 19 modified (9.1.2014) by [The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 \(S.I. 2013/3244\)](#), arts. 1, [34\(4\)](#) (with arts. 57, 58, [Sch. 11 para. 19](#))

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