

SCHEDULES

SCHEDULE 2

Section 4

LAND WHICH MAY NOT BE COMMONHOLD LAND

“Flying freehold”

- 1 (1) Subject to sub-paragraph (2), an application may not be made under section 2 wholly or partly in relation to land above ground level (“raised land”) unless all the land between the ground and the raised land is the subject of the same application.
- (2) An application for the addition of land to a commonhold in accordance with section 41 may be made wholly or partly in relation to raised land if all the land between the ground and the raised land forms part of the commonhold to which the raised land is to be added.

Agricultural land

- 2 An application may not be made under section 2 wholly or partly in relation to land if—
 - (a) it is agricultural land within the meaning of the Agriculture Act 1947 (c. 48),
 - (b) it is comprised in a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 (c. 5), or
 - (c) it is comprised in a farm business tenancy for the purposes of the Agricultural Tenancies Act 1995 (c. 8).

Contingent title

- 3 (1) An application may not be made under section 2 if an estate in the whole or part of the land to which the application relates is a contingent estate.
- (2) An estate is contingent for the purposes of this paragraph if (and only if)—
 - (a) it is liable to revert to or vest in a person other than the present registered proprietor on the occurrence or non-occurrence of a particular event, and
 - (b) the reverter or vesting would occur by operation of law as a result of an enactment listed in sub-paragraph (3).
- (3) The enactments are—
 - (a) the School Sites Act 1841 (c. 38) (conveyance for use as school),
 - (b) the Lands Clauses Acts (compulsory purchase),
 - (c) the Literary and Scientific Institutions Act 1854 (c. 112) (sites for institutions), and
 - (d) the Places of Worship Sites Act 1873 (c. 50) (sites for places of worship).
- (4) Regulations may amend sub-paragraph (3) so as to—

Status: This is the original version (as it was originally enacted).

- (a) add an enactment to the list, or
- (b) remove an enactment from the list.