

*These notes refer to the Commons Act 2006 (c.26)
which received Royal Assent on 19 July 2006*

COMMONS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Works

Section 39 Consent: general

192. *Subsections (1) and (2)* set out the criteria that the appropriate national authority must take into account when determining an application for consent for works. It must have regard to the interests of those with legal rights over the land, and to the interests of the neighbourhood and the public interest. The public interest is defined in the same terms as used elsewhere in the Act. The appropriate national authority must also have regard to any other matter it considers relevant. These criteria are not prescriptive as to which interest should take precedence.
193. *Subsection (3)* gives the appropriate national authority flexibility to consent to all or part of the proposed works, and if appropriate to propose modifications or impose conditions — in which case *subsection (5)* enables a person carrying out or proposing to carry out the works to apply (within such time limit as may be prescribed by regulations made under *subsection (6)*) for the conditions or modifications to be varied or revoked. *Subsection (4)* allows the appropriate national authority to take account of the cumulative effect of the proposed works, and of works already consented to, on the common land involved.
194. *Subsection (7)* enables the appropriate national authority to consider applications where the works have already been started, or have been completed.