Commons Act 2006

2006 CHAPTER 26

PART 5

SUPPLEMENTARY AND GENERAL

General

59 Orders and regulations

(1) An order or regulations under this Act may make—

(a) transitional, consequential, incidental and supplemental provision or savings;

(b) different provision for different purposes or areas.

(2) An order or regulations under this Act, other than an order under section 17, must be made by statutory instrument.

(3) A statutory instrument containing regulations under section 29(1) or an order under section 54 or 55 may not be made by the Secretary of State (alone or jointly with the National Assembly for Wales) unless a draft has been laid before and approved by a resolution of each House of Parliament.

(4) Subject to subsection (3), a statutory instrument containing any order or regulations made under this Act by the Secretary of State (alone or jointly with the National Assembly for Wales) other than an order under section 56 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

60 Crown application

(1) This Act (and any provision made under it) binds the Crown.

(2) This section does not impose criminal liability on the Crown in relation to an offence under section 34(1).

(3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.

61 Interpretation

(1) In this Act—

"appropriate national authority" means—

(a) the Secretary of State, in relation to England; and

(b) the National Assembly for Wales, in relation to Wales;

"commons council" means a commons council established under Part 2;

"land" includes land covered by water;

"nature conservation" means the conservation of flora and fauna and geological and physiographical features;

"regulations" means regulations made by the appropriate national authority;

"register of title" means the register kept under section 1 of the Land Registration Act 2002 (c. 9);

"right of common" includes a cattlegate or beastgate (by whatever name known) and a right of sole or several vesture or herbage or of sole or several pasture, but does not include a right held for a term of years or from year to year.

(2) In this Act—

(a) any reference to land registered as common land or a town or village green is to land so registered in a register of common land or town or village greens;

(b) any reference to a register of common land or town or village greens is to such a register kept under Part 1 of this Act.

(3) In this Act—

(a) references to the ownership or the owner of any land are references to the ownership of a legal estate in fee simple in the land or to the person holding that estate;

(b) references to land registered in the register of title are references to land the fee simple of which is so registered.

62 Short title

This Act may be cited as the Commons Act 2006.

63 Extent

This Act extends to England and Wales only.