
Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Cross Heading: Severance by transfer to public bodies. (See end of Document for details)

SCHEDULES

SCHEDULE 1

AUTHORISED SEVERANCE

Severance by transfer to public bodies

- 1 (1) A right of common to which section 9 applies may on or after the day on which this Schedule comes into force be severed permanently from the land to which it is attached by being transferred on its own to—
- (a) any commons council established for the land over which the right is exercisable;
 - (b) Natural England (where the land or any part of it is in England); or
 - (c) [^{F1}the Natural Resources Body for Wales] (where the land or any part of it is in Wales).
- (2) Where a person proposes to sever a right of common to which section 9 applies by a transfer under sub-paragraph (1)(b) or (c), Natural England or [^{F2}the Natural Resources Body for Wales] as the case may be must—
- (a) give notice of the proposal to the owner of the land over which the right is exercisable unless his name and address cannot reasonably be ascertained;
 - (b) in a case where there is no commons council established for the land, give notice of the proposal to such persons (if any) as they consider represent the interests of persons exercising rights of common over the land.
- (3) A notice under sub-paragraph (2) must be given at least two months before the transfer and must—
- (a) specify the name and address of the owner of the land to which the right is attached;
 - (b) describe the right proposed to be transferred, giving such details as regulations may specify;
 - (c) state the proposed consideration for the transfer; and
 - (d) give such other information as regulations may specify.
- (4) Where a right of common to which section 9 applies is exercisable over land for which a commons council is established, the right may only be severed by a transfer under sub-paragraph (1)(b) or (c) if that council consents to the transfer.
- (5) In a case where there is no commons council established for the land over which a right of common to which section 9 applies is exercisable, the appropriate national authority may by order provide that a person with functions of management conferred by any enactment in relation to that land is to be regarded, for any or all purposes of this paragraph, as a commons council established for the land.
- (6) The severance of a right of common by its transfer under sub-paragraph (1)—
- (a) only has effect if the transfer complies with such requirements as to form and content as regulations may provide; and

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- (b) does not operate at law until, on an application under this Schedule, the transferee is registered as the owner of the right in the register of common land or of town or village greens in which the right is registered.

Textual Amendments

- F1** Words in Sch. 1 para. 1(1)(c) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 434** (with Sch. 7)
- F2** Words in Sch. 1 para. 1(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 434** (with Sch. 7)

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