Status: *Point in time view as at 01/10/2007.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 17 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)*

SCHEDULES

SCHEDULE 1

Section 9

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) the Countryside Council 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 the Countryside Council 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.

Temporary severance by letting or leasing

2 (1) A right of common to which section 9 applies may, on or after the day on which this Schedule comes into force, to any extent be severed temporarily from the land to which it is attached by virtue of the right, or all or part of the land, being leased or licensed on its own in accordance with—

(a) provision made by order by the appropriate national authority; or

(b) rules made in relation to the land by a commons council under section 31.

(2) Provision under sub-paragraph (1)(a) and rules referred to in sub-paragraph (1)(b) may be framed by reference to—

(a) particular land or descriptions of land;

(b) descriptions of persons to whom rights of common may be leased or licensed.

(3) Where—

(a) provision under sub-paragraph (1)(a) applies in relation to any land, and

(b) rules referred to in sub-paragraph (1)(b) also apply in relation to that land and are inconsistent with that provision,

the rules prevail over that provision, to the extent of the inconsistency, in relation to that land.

(4) The appropriate national authority may by order provide that the leasing or licensing of a right of common (whether authorised by provision under sub-paragraph (1)(a) or by rules referred to in sub-paragraph (1)(b)) must comply with such requirements as to form and content as the order may provide.

Severance authorised by order

3 (1) The appropriate national authority may by order make provision authorising rights of common to which section 9 applies to be severed permanently from the land to which they are attached by transfer in accordance with that provision.

(2) Provision under sub-paragraph (1) is to be framed by reference to—

(a) particular land over which the rights of common are exercisable, or

(b) particular descriptions of such land,

and may authorise transfers to particular persons, particular descriptions of persons or any person.

(3) The appropriate national authority must, before making any provision under sub-paragraph (1) in relation to any land, consult such persons (if any) as it considers represent the interests of—

(a) persons who own the land;

(b) persons who exercise rights of common over the land.

(4) Provision under sub-paragraph (1) may include provision securing that the owner of any land over which a right of common is exercisable is to be notified, and his consent obtained, before the right may be transferred.

(5) Provision referred to in sub-paragraph (4) may include—

Status: *Point in time view as at 01/10/2007.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 17 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)*

(a) provision as to the circumstances in which notification may be regarded as having been given; or

(b) provision as to the circumstances in which consent may be regarded as having been obtained.

(6) Provision referred to in sub-paragraph (5)(b) may include—

(a) provision for consent to be regarded as having been obtained if it is withheld unreasonably;

(b) provision for the circumstances in which consent is to be regarded as withheld unreasonably;

(c) provision for the resolution of disputes.

(7) The severance of a right of common by its transfer under provision 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

(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.

(8) Provision under sub-paragraph (1) may include provision to secure the result that where—

(a) the person to whom the right of common is transferred is the owner of land to which rights of common are attached, and

(b) those rights are exercisable over the same land, or substantially the same land, as the right of common being transferred,

the transferee must, when making an application as specified in sub-paragraph (7)(b), apply to the commons registration authority for the right to be registered as attached to the land referred to in paragraph (a).

SCHEDULE 2

Section 22

NON-REGISTRATION OR MISTAKEN REGISTRATION UNDER THE 1965 ACT

VALID FROM 01/10/2008

Introductory

1 In this Schedule "the 1965 Act" means the Commons Registration Act 1965 (c. 64).

Non-registration of common land

2 (1) If a commons registration authority is satisfied that any land not registered as common land or as a town or village green is land to which this paragraph applies, the authority shall, subject to this paragraph, register the land as common land in its register of common land.

(2) This paragraph applies to any land which—

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Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 17 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)*

(a) was not at any time finally registered as common land or as a town or village green under the 1965 Act;

(b) is land which is—

(i) regulated by an Act made under the Commons Act 1876 (c. 56) confirming a provisional order of the Inclosure Commissioners;

(ii) subject to a scheme under Metropolitan Commons Act 1866 (c. 122) or the Commons Act 1899 (c. 30);

(iii) regulated as common land under a local or personal Act; or

(iv) otherwise recognised or designated as common land by or under an enactment;

(c) is land to which this Part applies; and

(d) satisfies such other conditions as regulations may specify.

(3) A commons registration authority may only register land under sub-paragraph (1) acting on—

(a) the application of any person made before such date as regulations may specify; or

(b) a proposal made and published by the authority before such date as regulations may specify.

Commencement Information

I1 Sch. 2 para. 2 partly in force; Sch. 2 para. 2 not in force at Royal Assent see s. 56(1); Sch. 2 para. 2(2)(d)(3) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

Non-registration of town or village green

3 (1) If a commons registration authority is satisfied that any land not registered as a town or village green or as common land is land to which this paragraph applies, the authority shall, subject to this paragraph, register the land as a town or village green in its register of town or village greens.

(2) This paragraph applies to any land which—

(a) on 31 July 1970 was land allotted by or under any Act for the exercise or recreation of the inhabitants of any locality;

(b) was not at any time finally registered as a town or village green or as common land under the 1965 Act;

(c) continues to be land allotted as specified in paragraph (a);

(d) is land to which this Part applies; and

(e) satisfies such other conditions as regulations may specify.

(3) A commons registration authority may only register land under sub-paragraph (1) acting on—

(a) the application of any person made before such date as regulations may specify; or

(b) a proposal made and published by the authority before such date as regulations may specify.

Status: *Point in time view as at 01/10/2007.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 17 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)*

Commencement Information

I2 Sch. 2 para. 3 partly in force; Sch. 2 para. 3 not in force at Royal Assent see s. 56(1); Sch. 2 para. 3(2)(e)(3) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

Waste land of a manor not registered as common land

4 (1) If a commons registration authority is satisfied that any land not registered as common land or as a town or village green is land to which this paragraph applies, the authority shall, subject to this paragraph, register the land as common land in its register of common land.

(2) This paragraph applies to land which at the time of the application under sub-paragraph (1) is waste land of a manor and where, before the commencement of this paragraph—

(a) the land was provisionally registered as common land under section 4 of the 1965 Act;

(b) an objection was made in relation to the provisional registration; and

(c) the provisional registration was cancelled in the circumstances specified in sub-paragraph (3), (4) or (5).

(3) The circumstances in this sub-paragraph are that—

(a) the provisional registration was referred to a Commons Commissioner under section 5 of the 1965 Act;

(b) the Commissioner determined that, although the land had been waste land of a manor at some earlier time, it was not such land at the time of the determination because it had ceased to be connected with the manor; and

(c) for that reason only the Commissioner refused to confirm the provisional registration.

(4) The circumstances in this sub-paragraph are that—

(a) the provisional registration was referred to a Commons Commissioner under section 5 of the 1965 Act;

(b) the Commissioner determined that the land was not subject to rights of common and for that reason refused to confirm the provisional registration; and

(c) the Commissioner did not consider whether the land was waste land of a manor.

(5) The circumstances in this sub-paragraph are that the person on whose application the provisional registration was made requested or agreed to its cancellation (whether before or after its referral to a Commons Commissioner).

(6) A commons registration authority may only register land under sub-paragraph (1) acting on—

(a) the application of any person made before such date as regulations may specify; or

(b) a proposal made and published by the authority before such date as regulations may specify.

Status: *Point in time view as at 01/10/2007.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 17 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)*

Commencement Information

I3 Sch. 2 para. 4 partly in force; Sch. 2 para. 4 not in force at Royal Assent see s. 56(1); Sch. 2 para. 4(6) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

Town or village green wrongly registered as common land

5 (1) If a commons registration authority is satisfied that any land registered as common land is land to which this paragraph applies, the authority shall, subject to this paragraph, remove the land from its register of common land and register it in its register of town or village greens.

(2) This paragraph applies to land where—

(a) the land was provisionally registered as common land under section 4 of the 1965 Act;

(b) the provisional registration became final; but

(c) immediately before its provisional registration, the land was a town or village green within the meaning of that Act as originally enacted.

(3) A commons registration authority may only remove and register land under sub-paragraph (1) acting on—

(a) the application of any person made before such date as regulations may specify; or

(b) a proposal made and published by the authority before such date as regulations may specify.

Commencement Information

I4 Sch. 2 para. 5 partly in force; Sch. 2 para. 5 not in force at Royal Assent see s. 56(1); Sch. 2 para. 5(3) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

Buildings registered as common land

6 (1) If a commons registration authority is satisfied that any land registered as common land is land to which this paragraph applies, the authority shall, subject to this paragraph, remove that land from its register of common land.

(2) This paragraph applies to land where—

(a) the land was provisionally registered as common land under section 4 of the 1965 Act;

(b) on the date of the provisional registration the land was covered by a building or was within the curtilage of a building;

(c) the provisional registration became final; and

(d) since the date of the provisional registration the land has at all times been, and still is, covered by a building or within the curtilage of a building.

(3) A commons registration authority may only remove land under sub-paragraph (1) acting on—

(a) the application of any person made before such date as regulations may specify; or

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(b) a proposal made and published by the authority before such date as regulations may specify.

Commencement Information

I5 Sch. 2 para. 6 partly in force; Sch. 2 para. 6 not in force at Royal Assent see s. 56(1); Sch. 2 para. 6(3) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

Other land wrongly registered as common land

7 (1) If a commons registration authority is satisfied that any land registered as common land is land to which this paragraph applies, the authority shall, subject to this paragraph, remove the land from its register of common land.

(2) This paragraph applies to land where—

(a) the land was provisionally registered as common land under section 4 of the 1965 Act;

(b) the provisional registration of the land as common land was not referred to a Commons Commissioner under section 5 of the 1965 Act;

(c) the provisional registration became final; and

(d) immediately before its provisional registration the land was not any of the following—

(i) land subject to rights of common;

(ii) waste land of a manor;

(iii) a town or village green within the meaning of the 1965 Act as originally enacted; or

(iv) land of a description specified in section 11 of the Inclosure Act 1845 (c. 118).

(3) A commons registration authority may only remove land under sub-paragraph (1) acting on—

(a) the application of any person made before such date as regulations may specify; or

(b) a proposal made and published by the authority before such date as regulations may specify.

Commencement Information

I6 Sch. 2 para. 7 partly in force; Sch. 2 para. 7 not in force at Royal Assent see s. 56(1); Sch. 2 para. 7(3) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

Buildings registered as town or village green

8 (1) If a commons registration authority is satisfied that any land registered as a town or village green is land to which this paragraph applies, the authority shall, subject to this paragraph, remove that land from its register of town or village greens.

(2) This paragraph applies to land where—

(a) the land was provisionally registered as a town or village green under section 4 of the 1965 Act;

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(b) on the date of the provisional registration the land was covered by a building or was within the curtilage of a building;

(c) the provisional registration became final; and

(d) since the date of the provisional registration the land has at all times been, and still is, covered by a building or within the curtilage of a building.

(3) A commons registration authority may only remove land under sub-paragraph (1) acting on—

(a) the application of any person made before such date as regulations may specify; or

(b) a proposal made and published by the authority before such date as regulations may specify.

Commencement Information

I7 Sch. 2 para. 8 partly in force; Sch. 2 para. 8 not in force at Royal Assent see s. 56(1); Sch. 2 para. 8(3) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

Other land wrongly registered as town or village green

9 (1) If a commons registration authority is satisfied that any land registered as a town or village green is land to which this paragraph applies, the authority shall, subject to this paragraph, remove the land from its register of town or village greens.

(2) This paragraph applies to land where—

(a) the land was provisionally registered as a town or village green under section 4 of the 1965 Act;

(b) the provisional registration of the land as a town or village green was not referred to a Commons Commissioner under section 5 of the 1965 Act;

(c) the provisional registration became final; and

(d) immediately before its provisional registration the land was not—

(i) common land within the meaning of that Act; or

(ii) a town or village green.

(3) For the purposes of sub-paragraph (2)(d)(ii), land is to be taken not to have been a town or village green immediately before its provisional registration if (and only if)—

(a) throughout the period of 20 years preceding the date of its provisional registration the land was, by reason of its physical nature, unusable by members of the public for the purposes of lawful sports and pastimes; and

(b) immediately before its provisional registration the land was not, and at the time of the application under this paragraph still is not, allotted by or under any Act for the exercise or recreation of the inhabitants of any locality.

(4) A commons registration authority may only remove land under sub-paragraph (1) acting on—

(a) the application of any person made before such date as regulations may specify; or

(b) a proposal made and published by the authority before such date as regulations may specify.

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Commencement Information

I8 Sch. 2 para. 9 partly in force; Sch. 2 para. 9 not in force at Royal Assent see s. 56(1); Sch. 2 para. 9(4) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

Costs

10 (1) Regulations may make provision as to the payment of costs which pursuant to an application under this Schedule are incurred by the applicant, an objector or the person determining the application.

(2) That provision may in particular include provision—

(a) for the payment of costs by the applicant, an objector or a commons registration authority;

(b) for the person determining an application or the appropriate national authority to determine who is liable to pay costs and how much they are liable to pay.

Commencement Information

I9 Sch. 2 para. 10 partly in force; Sch. 2 para. 10 not in force at Royal Assent see s. 56(1); Sch. 2 para. 10 in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

SCHEDULE 3

Section 23

REGISTRATION: TRANSITIONAL PROVISION

VALID FROM 01/10/2008

Interpretation

1 In this Schedule "the 1965 Act" means the Commons Registration Act 1965 (c. 64).

Transitional period for updating registers

2 (1) Regulations may make provision for commons registration authorities, during a period specified in the regulations ("the transitional period"), to amend their registers of common land and town or village greens in consequence of qualifying events which were not registered under the 1965 Act.

(2) The following are qualifying events for the purposes of this Schedule—

(a) the creation of a right of common (by any means, including prescription), where occurring in relation to land to which this Part applies at any time—

(i) after 2 January 1970; and

(ii) before the commencement of this paragraph;

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(b) any relevant disposition in relation to a right of common registered under the 1965 Act, or any extinguishment of such a right, where occurring at any time—

(i) after the date of the registration of the right under that Act; and

(ii) before the commencement of this paragraph;

(c) a disposition occurring before the commencement of this paragraph by virtue of any relevant instrument in relation to land which at the time of the disposition was registered as common land or a town or village green under the 1965 Act;

(d) the giving of land in exchange for any land subject to a disposition referred to in paragraph (c).

(3) In sub-paragraph (2)(b) "relevant disposition" means—

(a) the surrender of a right of common;

(b) the variation of a right of common;

(c) in the case of a right of common attached to land, the apportionment or severance of the right;

(d) in the case of a right not attached to land, the transfer of the right.

(4) In sub-paragraph (2)(c) "relevant instrument" means—

(a) any order, deed or other instrument made under or pursuant to the Acquisition of Land Act 1981 (c. 67);

(b) a conveyance made for the purposes of section 13 of the New Parishes Measure 1943 (No. 1);

(c) any other instrument made under or pursuant to any enactment.

(5) Regulations under this paragraph may include provision for commons registration authorities to amend their registers as specified in sub-paragraph (1)—

(a) on the application of a person specified in the regulations; or

(b) on their own initiative.

(6) Regulations under sub-paragraph (5)(b) may include provision requiring a commons registration authority to take steps to discover information relating to qualifying events, including in particular requiring an authority to—

(a) carry out a review of information already contained in a register of common land or town or village greens;

(b) publicise the review;

(c) invite persons to supply information for, or to apply for amendment of, the register.

Commencement Information

I10 Sch. 3 para. 2 partly in force; Sch. 3 para. 2 not in force at Royal Assent see s. 56(1); Sch. 3 para. 2(1)(5)(6) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

VALID FROM 01/10/2008

3 At the end of the transitional period, any right of common which—

(a) is not registered in a register of common land or town or village greens, but

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(b) was capable of being so registered under paragraph 2,

is by virtue of this paragraph at that time extinguished.

4 (1) Regulations may make provision for commons registration authorities to amend their registers of common land or town or village greens after the end of the transitional period, in circumstances specified in the regulations, in consequence of qualifying events.

(2) Regulations under this paragraph may provide that paragraph 3 is to be treated as not having applied to any right of common which is registered pursuant to the regulations.

Commencement Information

I11 Sch. 3 para. 4 partly in force; Sch. 3 para. 4 not in force at Royal Assent see s. 56(1); Sch. 3 para. 4 in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

5 Regulations under paragraph 2 or 4 may in particular include provision as to what is or is not to be regarded as severance of a right of common for the purposes of those regulations.

Commencement Information

I12 Sch. 3 para. 5 partly in force; Sch. 3 para. 5 not in force at Royal Assent see s. 56(1); Sch. 3 para. 5 in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

VALID FROM 01/10/2008

Effect of repeals

6 The repeal by this Act of section 1(2)(b) of the 1965 Act does not affect the extinguishment of rights of common occurring by virtue of that provision.

7 The repeal by this Act of section 21(1) of the 1965 Act does not affect the application of section 193 of the Law of Property Act 1925 (c. 20) in relation to any land.

Ownership of common land or town or village green

8 (1) Where the ownership of any land is registered in any register under the 1965 Act immediately before the commencement of this Schedule the ownership shall, subject to this Part, continue to be registered in that register.44

(2) Where the ownership of land continues to be registered in a register of common land or town or village greens pursuant to sub-paragraph (1), if the commons registration authority is notified by the Chief Land Registrar that the land has been registered in the register of title, the authority shall—

(a) remove the registration of ownership; and

(b) indicate in the register in such manner as may be specified in regulations that the land has been registered in the register of title.

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(3) Regulations may require commons registration authorities—

(a) to remove registration of ownership of land from their registers of common land and town or village greens;

(b) to keep or otherwise deal with documents received by them in connection with the registration of ownership of land in such manner as the regulations may specify.

Commencement Information

I13 Sch. 3 para. 8 partly in force; Sch. 3 para. 8 not in force at Royal Assent see s. 56(1); Sch. 3 para. 8(2)(3) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**

Vesting of unclaimed land

9 (1) The repeal by this Act of section 8 of the 1965 Act does not affect the vesting of land in any local authority (within the meaning of that Act) occurring by virtue of that provision.

(2) Unless land so vesting is regulated by a scheme under the Commons Act 1899 (c. 30), sections 10 and 15 of the Open Spaces Act 1906 (c. 25) (power to manage and make byelaws) shall continue to apply to it as if the local authority had acquired the ownership under that Act of 1906.

Commencement Information

I14 Sch. 3 para. 9 wholly in force at 6.9.2007; Sch. 3 para. 9 not in force at Royal Assent, see s. 56(1); Sch. 3 para. 9 in force for E. at 1.10.2006 by S.I. 2006/2504, **art. 2(e)**; Sch. 3 para. 9 in force for W. at 6.9.2007 by S.I. 2007/2386, **art. 3**

SCHEDULE 4

Section 44

WORKS: SUPPLEMENTARY

Metropolitan commons

1 In section 5 of the Metropolitan Commons Act 1866 (c. 122) (prohibition on inclosure), after “inclosure of a metropolitan common” insert “ which is under the control and management of a London borough council ”.

Commencement Information

I15 Sch. 4 para. 1 partly in force; Sch. 4 para. 1 not in force at Royal Assent, see s. 56(1); Sch. 4 para. 1 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2(d)(i)**

2 (1) The Schedule to the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (c. xxix) is amended as follows.

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(2) In article 12 (restriction on powers in relation to commons), in paragraph (1) omit "(which consent the Minister may give in such cases as he thinks fit)".

(3) In that article, after paragraph (2) insert—

"(2A) Sections 39 and 40 of the Commons Act 2006 apply in relation to an application for consent under paragraph (1) as they apply in relation to an application for consent under section 38(1) of that Act.

(2B) Section 41 of that Act applies in relation to the carrying out of works in contravention of paragraph (1) as it applies to works carried out in contravention of section 38(1) of that Act (and as if references to consent under that provision were to consent under paragraph (1))."

(4) Omit paragraph (3) of that article.

(5) In article 17 (street improvement), in paragraph (1), after "enactment" insert " or in any scheme made under, or confirmed by, any enactment ".

(6) In that article—

(a) in paragraph (2), omit the words from "and the Minister" to the end;

(b) after that paragraph insert—

"(2A) Where an application is made for consent under paragraph (2) in the case of any common, section 40 of the Commons Act 2006 applies in relation to the application as it applies in relation to an application for consent under section 38(1) of that Act.

(2B) Where an application is made for consent under paragraph (2) in any other case, the Minister before giving any consent shall have regard to any representations made to him in the manner specified in paragraph (3).";

(c) in paragraph (3), after "paragraph (2)" insert " in a case to which paragraph (2B) applies ".

Commencement Information

I16 Sch. 4 para. 2 partly in force; Sch. 4 para. 2 not in force at Royal Assent, see s. 56(1); Sch. 4 para. 2 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2(d)(i)**

National Trust property

3 (1) Section 29 of the National Trust Act 1907 (c. cxxxvi) (powers exercisable over common or commonable land) is amended as follows.

(2) Renumber the existing provision as subsection (1).

(3) In that subsection, for "consists of common or commonable land" substitute " is land to which this section applies ".

(4) After that subsection insert—

"(2) This section applies to—

(a) any land registered as common land;

Status: *Point in time view as at 01/10/2007.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 17 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) land not so registered which is—

(i) regulated by an Act made under the Commons Act 1876 confirming a provisional order of the Inclosure Commissioners; or

(ii) subject to a scheme under the Metropolitan Commons Act 1866 or the Commons Act 1899; and

(c) land not falling within paragraph (a) or (b) which is in the New Forest and is subject to rights of common."

Commencement Information

I17 Sch. 4 para. 3 partly in force; Sch. 4 para. 3 not in force at Royal Assent, see s. 56(1); Sch. 4 para. 3 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2(d)(i)**

4 (1) Section 23 of the National Trust Act 1971 (c. vi) (powers over common land) is amended as follows.

(2) In subsection (2), omit the words from ", and in giving" to the end.

(3) After that subsection insert—

"(2A) Sections 39 and 40 of the Commons Act 2006 apply in relation to an application for consent under subsection (2) of this section as they apply in relation to an application for consent under section 38(1) of that Act.

(2B) Section 41 of that Act applies in relation to the carrying out of works in contravention of subsection (2) of this section as it applies to works carried out in contravention of section 38(1) of that Act (and as if references to consent under that provision were to consent under subsection (2) of this section).

(2C) Nothing in section 38 of the Commons Act 2006 applies in relation to land to which section 29 of the Act of 1907 applies."

Commencement Information

I18 Sch. 4 para. 4 partly in force; Sch. 4 para. 4 not in force at Royal Assent, see s. 56(1); Sch. 4 para. 4 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2(d)(i)** (with art. 3(6))

New parishes

5 In section 15 of the New Parishes Measure 1943 (No. 1) (land subject to rights of common), in subsection (1), for the words from "without the consent" to the end substitute " without the consent of the Secretary of State and sections 39 and 40 of the Commons Act 2006 apply in relation to an application for such consent as they apply in relation to an application for consent under section 38(1) of that Act. "

Commencement Information

I19 Sch. 4 para. 5 partly in force; Sch. 4 para. 5 not in force at Royal Assent, see s. 56(1); Sch. 4 para. 5 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2(d)(i)** (with art. 3(7))

Status: *Point in time view as at 01/10/2007.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 17 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)*

Transitional provision

6 In its application to any works carried out on or after 28 June 2005 but before the day on which section 38(1) above comes into force, section 194(2) of the Law of Property Act 1925 (c. 20) shall have effect as if the words "interested in the common" were omitted.

Commencement Information

I20 Sch. 4 para. 6 wholly in force at 6.9.2007; Sch. 4 para. 6 not in force at Royal Assent see s. 56(1); Sch. 4 para. 6 in force for E. at 1.10.2006 by S.I. 2006/2504, **art. 2(f)**; Sch. 4 para. 6 in force for W. at 6.9.2007 by S.I. 2007/2386, **art. 3**

7 The prohibition in section 38(1) does not apply to works carried out in connection with the taking or working of minerals if—

(a) the works were granted planning permission under any enactment before the commencement of section 38;

(b) the works are carried out in accordance with that planning permission in the period allowed for the works to be carried out (subject to any extension of time granted before or after the commencement of that section).

Commencement Information

I21 Sch. 4 para. 7 partly in force; Sch. 4 para. 7 not in force at Royal Assent, see s. 56(1); Sch. 4 para. 7 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2(d)(i)**

SCHEDULE 5

Section 52

MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 31/10/2011

Countryside Act 1968 (c. 41)

1 (1) The Countryside Act 1968 is amended as follows.

(2) In section 9(6), for the definition of "common land" substitute—

""common land" means—

(a) land registered as common land in a register of common land kept under Part 1 of the Commons Act 2006;

(b) land to which Part 1 of that Act does not apply and which is subject to rights of common within the meaning of that Act;".

(3) In Schedule 2, in paragraph 7, for the words from "section 22(1)" to the end substitute " the principal section ".

Status: *Point in time view as at 01/10/2007.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 17 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)*

VALID FROM 31/10/2011

Animals Act 1971 (c. 22)

2 In section 11 of the Animals Act 1971, for the definitions of "common land" and "town or village green" substitute—

""common land" means—

(a) land registered as common land in a register of common land kept under Part 1 of the Commons Act 2006;

(b) land to which Part 1 of that Act does not apply and which is subject to rights of common within the meaning of that Act;

"town or village green" means land registered as a town or village green in a register of town or village greens kept under Part 1 of the Commons Act 2006;".

VALID FROM 31/10/2011

Wildlife and Countryside Act 1981 (c. 69)

3 In section 52(2C) of the Wildlife and Countryside Act 1981—

(a) for "common land" (in the first place where it occurs) substitute " subject to rights of common (within the meaning of the Commons Act 2006) ";

(b) for the words from "the commoners" to the end of the subsection substitute " the persons with such rights or any of them and any commons council established under Part 2 of the Commons Act 2006 for that land ".

Norfolk and Suffolk Broads Act 1988 (c. 4)

4 In Schedule 3 to the Norfolk and Suffolk Broads Act 1988, in paragraph 38(1)(d), for "section 9 of the Commons Registration Act 1965" substitute " section 45 of the Commons Act 2006 ".

Commencement Information

I22 Sch. 5 para. 4 wholly in force at 6.9.2007; Sch. 5 para. 4 not in force at Royal Assent see s. 56(1); Sch. 5 para. 4 in force for E. at 20.2.2007 by S.I. 2007/456, **art. 2**; Sch. 5 para. 4 in force for W. at 6.9.2007 by S.I. 2007/2386, **art. 3**

VALID FROM 31/10/2011

Criminal Justice and Public Order Act 1994 (c. 33)

5 In section 61(9) of the Criminal Justice and Public Order Act 1994—

(a) for the definition of "common land" substitute—

Status: *Point in time view as at 01/10/2007.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 17 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)*

""common land" means—

(a) land registered as common land in a register of common land kept under Part 1 of the Commons Act 2006; and

(b) land to which Part 1 of that Act does not apply and which is subject to rights of common as defined in that Act;";

(b) in the definition of "commoner", for the words from "as defined" to the end substitute " as so defined; ";

(c) in the definition of "the local authority", for "section 9 of the Commons Registration Act 1965" substitute " section 45 of the Commons Act 2006 ".

Environment Act 1995 (c. 25)

6 In Schedule 9 to the Environment Act 1995, in paragraph 1—

(a) in sub-paragraph (2)(d), for "section 9 of the Commons Registration Act 1965" substitute " section 45 of the Commons Act 2006 ";

(b) in sub-paragraph (6), for "the Commons Registration Act 1965" substitute " Part 1 of the Commons Act 2006 ".

Commencement Information

I23 Sch. 5 para. 6 partly in force; Sch. 5 para. 6 not in force at Royal Assent see s. 56(1); Sch. 5 para. 6(a) in force for E. at 20.2.2007 by S.I. 2007/456, **art. 2**; Sch. 5 para. 6(a) in force for W. at 6.9.2007 by S.I. 2007/2386, **art. 3**

Countryside and Rights of Way Act 2000 (c. 37)

7 (1) The Countryside and Rights of Way Act 2000 is amended as follows.

(2) In section 1, in subsection (3)—

(a) for paragraph (a) substitute " land which is registered as common land in a register of common land kept under Part 1 of the Commons Act 2006. ";

(b) omit paragraph (b).

(3) In that section, omit subsection (4).

(4) In section 45(1), in the definition of "rights of common", for "the Commons Registration Act 1965" substitute " the Commons Act 2006 ".

(5) In section 46(2), for "section" substitute " subsection ".

Commencement Information

I24 Sch. 5 para. 7 partly in force; Sch. 5 para. 7 not in force at Royal Assent, see s. 56(1); Sch. 5 para. 7(1) in force for certain purposes for E. and Sch. 5 para. 7(5) in force for E. at 1.10.2006 by S.I. 2006/2504, **art. 2(g)**; Sch. 5 para. 7(1) in force for certain purposes for W. and Sch. 5 para. 7(5) in force for W. at 6.9.2007 by S.I. 2007/2386, **art. 3**

Status: *Point in time view as at 01/10/2007.*
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VALID FROM 31/10/2011

Land Registration Act 2002 (c. 9)

8 (1) The Land Registration Act 2002 is amended as follows.

(2) In section 27(2)(d), for "the Commons Registration Act 1965 (c. 64)" substitute " Part 1 of the Commons Act 2006 ".

(3) In section 33(d), for "the Commons Registration Act 1965 (c. 64)" substitute " Part 1 of the Commons Act 2006 ".

(4) In Schedule 3, in paragraph 3(1), for "the Commons Registration Act 1965 (c. 64)" substitute " Part 1 of the Commons Act 2006 ".

SCHEDULE 6

Section 53

REPEALS

PART 1

REPEALS RELATING TO REGISTRATION

Commencement Information

I25 Sch. 6 Pt. 1 partly in force; Sch. 6 Pt. 1 not in force at Royal Assent see s. 56(1); Sch. 6 Pt. 1 in force for certain purposes for E. at 1.10.2006 by S.I. 2006/2504, **art. 2(h)** (with art. 3); Sch. 6 Pt. 1 in force for certain purposes for E. at 6.4.2007 by S.I. 2007/456, **art. 3** (with art. 4); Sch. 6 Pt. 1 in force for certain purposes for W. at 6.9.2007 by S.I. 2007/2386, **art. 3** (with art. 4)

Short title and chapter	*Extent of repeal*
Commons Registration Act 1965 (c. 64)	The whole Act.
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 4, the paragraph relating to Commons Commissioners.
Local Government Act 1972 (c. 70)	Section 189(1) and (2).
Local Government Act 1985 (c. 51)	In Schedule 8, paragraph 10(6).
Dartmoor Commons Act 1985 (c. xxxvii)	Section 8.
Common Land (Rectification of Registers) Act 1989 (c. 18)	The whole Act.
Courts and Legal Services Act 1990 (c. 41)	In Schedule 10, paragraph 26.
Tribunals and Inquiries Act 1992 (c. 53)	In Schedule 1, in Part 1, the entry relating to Commons Commissioners and assessors.

Status: *Point in time view as at 01/10/2007.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 17 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)*

Judicial Pensions and Retirement Act 1993 (c. 8)	In Schedule 6, paragraph 26.
Countryside and Rights of Way Act 2000 (c. 37)	Section 1(3)(b) and (4). Section 46(1). Section 98.
Land Registration Act 2002 (c. 9)	In Schedule 11, paragraph 7.
Greenham and Crookham Commons Act 2002 (c. i)	Section 33(1).
Constitutional Reform Act 2005 (c. 4)	In Schedule 7, in paragraph 4, the entry relating to the Commons Registration Act 1965. In Schedule 14, in Part 3, the entries relating to— (a) Commons Commissioner and Chief Commons Commissioner; and (b) Substitute Chief Commons Commissioner.

PART 2

REPEALS RELATING TO WORKS

Commencement Information

I26 Sch. 6 Pt. 2 partly in force; Sch. 6 Pt. 2 not in force at Royal Assent see s. 56(1); Sch. 6 Pt. 2 in force for certain purposes for E. at 1.10.2006 by S.I. 2006/2504, **art. 2(i)**; Sch. 6 Pt. 2 in force for certain purposes for W. at 6.9.2007 by S.I. 2007/2386, **art. 3**; Sch. 6 Pt. 2 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2** (with art. 3)

Short title and chapter	*Extent of repeal*
Metropolitan Commons Act 1866 (c. 122)	Section 21.
Commons Act 1876 (c. 56)	In section 30, the words from "Any person aggrieved" to the end of the section. Section 36.
Commons Act 1899 (c. 30)	Section 21.
Law of Property Act 1925 (c. 20)	Section 194.
Administration of Justice (Appeals) Act 1934 (c. 40)	In the Schedule, the reference to subsection (2) of section 194 of the Law of Property Act 1925.
Compulsory Purchase Act 1965 (c. 56)	In Schedule 7, the entry relating to the Commons Act 1899.
Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (c. xxix)	In article 12 of the Schedule— (a) in paragraph (1), the words "(which consent the Minister may give in such cases as he thinks fit)"; and

Status: *Point in time view as at 01/10/2007.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 17 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) paragraph (3). In article 17(2) of the Schedule, the words from "and the Minister" to the end.
National Trust Act 1971 (c. vi)	In section 23(2), the words from ", and in giving" to the end.
Norfolk and Suffolk Broads Act 1988 (c. 4)	In Schedule 3, paragraph 38(1)(b).
Local Government (Wales) Act 1994 (c. 19)	In Schedule 16, paragraph 7(2).
Environment Act 1995 (c. 25)	In Schedule 9, paragraph 1(2)(b).
Communications Act 2003 (c. 21)	In Schedule 17, paragraph 3.

PART 3

REPEALS RELATING TO APPROVEMENT AND INCLOSURE

Commencement Information

I27 Sch. 6 Pt. 3 partly in force; Sch. 6 Pt. 3 not in force at Royal Assent, see s. 56(1); Sch. 6 Pt. 3 in force for certain purposes for E. at 1.10.2006 by S.I. 2006/2504, **art. 2(j)**; Sch. 6 Pt. 3 in force for certain purposes for W. at 6.9.2007 by S.I. 2007/2386, **art. 3**; Sch. 6 Pt. 3 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2** (with art. 3)

Short title and chapter	*Extent of repeal*
Commons Act 1285 (13 Edw 1 c. 46)	The whole Act.
Gifts for Churches Act 1811 (c. 115)	Section 2.
School Sites Act 1841 (c. 38)	In section 2, the words from "Provided also, that where any portion" to "such conveyance;".
Inclosure Act 1845 (c. 118)	Section 147.
Inclosure Act 1847 (c. 111)	Section 4.
Literary and Scientific Institutions Act 1854 (c. 112)	In section 1, the words from "Provided also" to the end.
Inclosure Act 1857 (c. 31)	Sections 4 and 5.
Commons Act 1876 (c. 56)	Section 31.
Law of Commons Amendment Act 1893 (c. 57)	The whole Act.
Commons Act 1899 (c. 30)	In Schedule 1, the references to— (a) the Poor Relief Act 1601; (b) the Gifts for Churches Act 1811; (c) the Church Building Act 1818; (d) the Poor Relief Act 1831; (e) the Crown Lands Allotments Act 1831; (f) the Union and Parish Property Act 1835;

Status: *Point in time view as at 01/10/2007.*
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(g) the School Sites Act 1841;
(h) the Literary and Scientific Institutions Act 1854.

PROSPECTIVE

PART 4

REPEAL RELATING TO SCHEMES UNDER THE COMMONS ACT 1899

Short title and chapter	*Extent of repeal*
Commons Act 1899 (c. 30)	In section 1(3), the words from “, and for” to the end.

PART 5

REPEAL RELATING TO VEHICULAR ACCESS

Commencement Information

I28 Sch. 6 Pt. 5 wholly in force at 1.10.2007; Sch. 6 Pt. 5 not in force at Royal Assent see s. 56(1); Sch. 6 Pt. 5 in force for W. at 6.9.2007 by S.I. 2007/2386, **art. 3**; Sch. 6 Pt. 5 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2**

Short title and chapter	*Extent of repeal*
Countryside and Rights of Way Act 2000 (c. 37)	Section 68.

Status:
Point in time view as at 01/10/2007.

Changes to legislation:
Commons Act 2006 is up to date with all changes known to be in force on or before 17 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.