Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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) **[**[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)

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—

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(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—
(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).

[F3SCHEDULE 1A

Section 15C

[F4EXCLUSION OF RIGHT UNDER SECTION 15: ENGLAND]

Textual Amendments

F3 Sch. 1A inserted (25.4.2013) by Growth and Infrastructure Act 2013 (c. 27) , s. 35(2) , **Sch. 4**

F4 Sch. 1A title substituted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 53(3)**, 58(2)(b)(4)(b); S.I. 2018/1022, art. 2(a) (with art. 3)

Trigger events ***Terminating events***

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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)*

1. An application for planning permission in relation to the land which would be determined under section 70 of the 1990 Act is first publicised in accordance with requirements imposed by a development order by virtue of section 65(1) of that Act.	(a)	The application is withdrawn.
	(b)	A decision to decline to determine the application is made under section 70A of the 1990 Act.
	(c)	In circumstances where planning permission is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld.
	(d)	In circumstances where planning permission is granted, the period within which the development to which the permission relates must be begun expires without the development having been begun.
2. An application for planning permission made in relation to the land under section 293A of the 1990 Act is first publicised in accordance with subsection (8) of that section.	(a)	The application is withdrawn.
	(b)	In circumstances where planning permission is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld.
	(c)	In circumstances where planning permission is granted, the period within which the development to which the permission relates must be begun expires without the development having been begun.
3. A draft of a development plan document which identifies the land for potential development is published for consultation in accordance with regulations under section 17(7) of the 2004 Act.	(a)	The document is withdrawn under section 22(1) of the 2004 Act.
	(b)	The document is adopted under section 23(2) or (3) of that Act (but see paragraph 4 of this Table).
	[F5(c)	**[** The period of two years beginning with the day on which the document is published for consultation expires.**]**
4. A development plan document which identifies the land for potential development is adopted under section 23(2) or (3) of the 2004 Act.	(a)	The document is revoked under section 25 of the 2004 Act.
	(b)	A policy contained in the document which relates to the development of the land in question is superseded by another policy by virtue of section 38(5) of that Act.
5. A proposal for a neighbourhood development plan which identifies the land for potential development is published by a local planning authority for consultation in accordance with regulations under paragraph 4(1) of Schedule 4B to the 1990	(a)	The proposal is withdrawn under paragraph 2(1) of Schedule 4B to the 1990 Act (as it applies by virtue of section 38A(3) of the 2004 Act).
	(b)	The plan is made under section 38A of the 2004 Act (but see paragraph 6 of this Table).

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Act as it applies by virtue of section 38A(3) of the 2004 Act.	**[**[F6](c) The period of two years beginning with the day on which the proposal is published for consultation expires.**]**
6. A neighbourhood development plan which identifies the land for potential development is made under section 38A of the 2004 Act.	(a) The plan ceases to have effect. (b) The plan is revoked under section 61M of the 1990 Act (as it applies by virtue of section 38C(2) of the 2004 Act). (c) A policy contained in the plan which relates to the development of the land in question is superseded by another policy by virtue of section 38(5) of the 2004 Act.
7. A development plan for the purposes of section 27 or 54 of the 1990 Act, or anything treated as contained in such a plan by virtue of Schedule 8 to the 2004 Act, continues to have effect (by virtue of that Schedule) on the commencement of section 16 of the Growth and Infrastructure Act 2013 and identifies the land for potential development.	The plan ceases to have effect by virtue of paragraph 1 of Schedule 8 to the 2004 Act.
[[F7]7A. A draft of a local development order under section 61A(2) of the 1990 Act which would grant permission for operational development of the land is first published for consultation in accordance with provision included (by virtue of paragraph 1 of Schedule 4A to that Act) in a development order made under section 59 of that Act.**]**	**[**[F7](a) The draft is withdrawn.**]** **[**[F7](b) The order is adopted by resolution of the local planning authority (and, accordingly, comes into effect by virtue of paragraph 3 of Schedule 4A to the 1990 Act) (but see paragraph 7B of this Table).**]** **[**[F7](c) The period of two years beginning with the day on which the draft is published for consultation expires.**]**
[[F7]7B. A local development order which grants permission for operational development of the land is adopted by resolution of the local planning authority (and, accordingly, comes into effect by virtue of paragraph 3 of Schedule 4A to the 1990 Act).**]**	**[**[F7](a) Where the order includes (by virtue of section 61C(1) of the 1990 Act) provision which, however expressed, has the effect that the grant of permission ceases to apply on a particular day, that day passes.**]** **[**[F7](b) The order is revoked under section 61A(6) or 61B(8)(a) of that Act.**]** **[**[F7](c) A revision of the order prepared under paragraph 2 of Schedule 4A to that Act which provides that operational development of the land is no longer permitted is adopted.**]** **[**[F7](d) A direction is given under provision included in the order by virtue of section 61C(2) of that Act specifying that the permission granted by the order does not apply in relation to the land.**]**

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[[F7]7C. A draft of a neighbourhood development order which would grant permission for operational development of the land is first published for consultation by a local planning authority in accordance with regulations made under paragraph 4(1) of Schedule 4B to the 1990 Act.**]**	**[**[F7]a) The draft is withdrawn under paragraph 2(1) of Schedule 4B to the 1990 Act or treated as so withdrawn by virtue of paragraph 2(2) of that Schedule.**]** **[**[F7] The order is made under section 61E(4) of that Act (but see paragraph 7D of this Table).**]** **[**[F7](c) The period of two years beginning with the day on which the draft is published for consultation expires.**]**
[[F7]7D. A neighbourhood development order which grants permission for operational development of the land is made under section 61E(4) of the 1990 Act.**]**	**[**[F7](a) Where the order includes (by virtue of section 61L(1) of the 1990 Act) provision which, however expressed, has the effect that the grant of permission ceases to apply on a particular day, that day passes.**]** **[**[F7](b) Where the order provides (by virtue of section 61L(5) of that Act) that development permitted by the order must begin before the end of a specified period, that period expires without the development having been begun.**]** **[**[F7](c) The order is revoked under section 61M(1) or (2) of the 1990 Act.**]**
8. A proposed application for an order granting development consent under section 114 of the 2008 Act in relation to the land is first publicised in accordance with section 48 of that Act.	(a) The period of two years beginning with the day of publication expires. (b) The application is publicised under section 56(7) of the 2008 Act (but see paragraph 9 of this Table).
9. An application for such an order in relation to the land is first publicised in accordance with section 56(7) of the 2008 Act.	(a) The application is withdrawn. (b) In circumstances where the application is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld. (c) In circumstances where an order granting development consent in relation to the land is made, the period within which the development to which the consent relates must be begun expires without the development having been begun.
[[F8]10. A notice is published by virtue of section 6 of the Transport and Works Act 1992 that an application has been made under that section, in circumstances where the notice contains a statement that a direction for deemed planning permission in respect of the land under section 90(2A) of the 1990 Act is being applied for.	(a) The application for a direction is withdrawn. b) In circumstances where the direction is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted. (c) In circumstances where the direction is given, the period within which the development to

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which the direction relates must be begun expires without the development having been begun.**]**

Textual Amendments

F5 Words in Sch. 1A inserted (E.) (12.2.2014) by The Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014 (S.I. 2014/257), arts. 1(1) , **3(2)** (with art. 4)

F6 Words in Sch. 1A inserted (E.) (12.2.2014) by The Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014 (S.I. 2014/257), arts. 1(1) , **3(3)** (with art. 4)

F7 Words in Sch. 1A inserted (E.) (12.2.2014) by The Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014 (S.I. 2014/257), arts. 1(1) , **3(4)** (with art. 4)

F8 Words in Sch. 1A inserted (E.) (12.2.2014) by The Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014 (S.I. 2014/257), arts. 1(1) , **3(5)** (with art. 4)

Interpretation

In this Schedule—

[[F9]"operational development" means any development within the meaning of the 1990 Act other than development which consists only of the making of a material change in the use of any buildings or other land;**]**

" the 1990 Act " means the Town and Country Planning Act 1990;

" the 2004 Act " means the Planning and Compulsory Purchase Act 2004;

" the 2008 Act " means the Planning Act 2008.

Textual Amendments

F9 Words in Sch. 1A inserted (E.) (12.2.2014) by The Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014 (S.I. 2014/257), arts. 1(1) , **3(6)** (with art. 4)

Notes

1 For the purposes of this Schedule, all means of challenging a decision in legal proceedings in the United Kingdom are to be treated as exhausted and the decision is to be treated as upheld if, at any stage in the proceedings, the time normally allowed for the making of an appeal or further appeal or the taking of any other step to challenge the decision expires without the appeal having been made or (as the case may be) the other step having been taken.

2 Paragraph 7 of the first column of the Table does not apply in relation to a part of a development plan for the purposes of section 27 or 54 of the 1990 Act which consists of—

(a) Part 1 of a unitary development plan or alterations to such a Part, or

(b) a structure plan or alterations to such a plan.**]**

[[F10]3. Paragraph (a) of the entry in the second column corresponding to paragraph 7B does not apply in circumstances where development of the land may be completed by virtue of provision made in the local development order under section 61C(1) of the 1990 Act.**]**

Status: *Point in time view as at 06/09/2015.*
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Textual Amendments

F10 Sch. 1A Notes paras. 3-6 inserted (E.) (12.2.2014) by The Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014 (S.I. 2014/257), arts. 1(1) , **3(7)** (with art. 4)

[F10 4. Paragraphs (b) to (d) of the entry in the second column corresponding to paragraph 7B do not apply in circumstances where development of the land may be completed by virtue of provision made in the local development order under section 61D(1) of the 1990 Act.]

Textual Amendments

F10 Sch. 1A Notes paras. 3-6 inserted (E.) (12.2.2014) by The Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014 (S.I. 2014/257), arts. 1(1) , **3(7)** (with art. 4)

[F10 5. Paragraph (a) of the entry in the second column corresponding to paragraph 7D does not apply in circumstances where development of the land may be completed by virtue of provision made in the neighbourhood development order under section 61L(1) of the 1990 Act.]

Textual Amendments

F10 Sch. 1A Notes paras. 3-6 inserted (E.) (12.2.2014) by The Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014 (S.I. 2014/257), arts. 1(1) , **3(7)** (with art. 4)

[F10 6. Paragraph (c) of the entry in the second column corresponding to paragraph 7D does not apply in circumstances where development of the land may be completed by virtue of section 61L(7) of the 1990 Act.]

Textual Amendments

F10 Sch. 1A Notes paras. 3-6 inserted (E.) (12.2.2014) by The Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014 (S.I. 2014/257), arts. 1(1) , **3(7)** (with art. 4)

[F11 SCHEDULE 1B

EXCLUSION OF RIGHT UNDER SECTION 15: WALES

Textual Amendments

F11 Sch. 1B inserted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 6**; S.I. 2018/1022, art. 2(b) (with art. 3)

Trigger events	*Terminating events*
1. An application for planning permission for development of the land is granted under the 1990 Act, or a direction that planning	(a) Where the planning permission is subject to a condition that the development to which it relates

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permission for development of the land is deemed to be granted is given under section 90 of that Act.		must be begun within a particular period, that period expires without the development having been begun.
	(b)	On the expiry of the period specified in a completion notice, the planning permission ceases to have effect in relation to the land by virtue of section 95(4) of the 1990 Act.
	(c)	An order made by the local planning authority or the Welsh Ministers under section 97 of the 1990 Act revokes the planning permission or modifies it so that it does not apply in relation to the land.
	(d)	The planning permission is quashed by a court.
2. A local development order which grants planning permission for operational development of the land is adopted for the purposes of paragraph 3 of Schedule 4A to the 1990 Act.	(a)	The permission granted by the order for operational development of the land ceases to apply by virtue of a condition or limitation specified in the order under section 61C(1) of the 1990 Act.
	(b)	A direction is issued under powers conferred by the order under section 61C(2) of the 1990 Act, with the effect that the grant of permission by the order does not apply to operational development of the land.
	(c)	The order is revised under paragraph 2 of Schedule 4A to the 1990 Act so that it does not grant planning permission for operational development of the land.
	(d)	The order is revoked under section 61A(6) or 61B(8) of the 1990 Act.
	(e)	The order is quashed by a court.
3. An order granting development consent for development of the land is made under section 114 of the 2008 Act.	(a)	The order granting development consent ceases to have effect by virtue of section 154(2) of the 2008 Act.
	(b)	An order made by the Secretary of State under paragraph 2 or 3 of Schedule 6 to the 2008 Act changes the order granting development consent so that it does not apply in relation to the land.
	(c)	An order made by the Secretary of State under paragraph 3 of

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Schedule 6 to the 2008 Act revokes the order granting development consent.

(d) The order granting development consent is quashed by a court.

Interpretation

1 In this Schedule—

"operational development" means any development within the meaning of the 1990 Act other than development which consists only of the making of a material change in the use of any buildings or other land;

"the 1990 Act" means the Town and Country Planning Act 1990;

"the 2008 Act" means the Planning Act 2008.

2 An event specified in the entry in the second column of the Table corresponding to paragraph 2 is not a terminating event in circumstances where the local development order permits the completion of operational development of the land which began before the occurrence of the event.**]**

SCHEDULE 2

Section 22

NON-REGISTRATION OR MISTAKEN REGISTRATION UNDER THE 1965 ACT

Modifications etc. (not altering text)

C1 Sch. 2 excluded (9.6.2009) by Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **35(6)** (with Sch. 13 para. 14(2), Sch. 14 para. 19)

C2 Sch. 2 excluded (9.6.2009) by Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **5(11)** (with Sch. 13 para. 14(2), Sch. 14 para. 19)

C3 Sch. 2 excluded (9.6.2009) by Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **46(5)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

Introductory

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

Commencement Information

I1 Sch. 2 para. 1 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(f), **Sch.** (with art. 3)

I2 Sch. 2 para. 1 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3** (with arts. 4, 5)

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.

Status: *Point in time view as at 06/09/2015.*
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(2) This paragraph applies to any land which—

(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.

Modifications etc. (not altering text)

C4 Sch. 2 paras. 2-4 excluded (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **49** (with art. 51, Sch. 10 paras. 68, 85)

C5 Sch. 2 paras. 2-4 disapplied (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **5** (with arts. 42, 43)

Commencement Information

I3 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**

I4 Sch. 2 para. 2 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(f), **Sch.** (with art. 3)

I5 Sch. 2 para. 2 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(e)** (with art. 5)

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

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(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.

Modifications etc. (not altering text)

C4 Sch. 2 paras. 2-4 excluded (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **49** (with art. 51, Sch. 10 paras. 68, 85)

C5 Sch. 2 paras. 2-4 disapplied (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **5** (with arts. 42, 43)

Commencement Information

I6 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**

I7 Sch. 2 para. 3 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(f), **Sch.** (with art. 3)

I8 Sch. 2 para. 3 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(e)** (with art. 5)

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;

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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) 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.

Modifications etc. (not altering text)

C4 Sch. 2 paras. 2-4 excluded (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **49** (with art. 51, Sch. 10 paras. 68, 85)

C5 Sch. 2 paras. 2-4 disapplied (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **5** (with arts. 42, 43)

Commencement Information

I9 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**

I10 Sch. 2 para. 4 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(f), **Sch.** (with art. 3)

I11 Sch. 2 para. 4 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(e)** (with art. 5)

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.

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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

I12 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**

I13 Sch. 2 para. 5 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(f), **Sch.** (with art. 3)

I14 Sch. 2 para. 5 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(e)** (with art. 5)

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

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

Commencement Information

I15 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**

I16 Sch. 2 para. 6 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(f), **Sch.** (with art. 3)

I17 Sch. 2 para. 6 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3** (with arts. 4, 5)

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;

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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 21 August 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)*

(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

I18 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**

I19 Sch. 2 para. 7 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(f), **Sch.** (with art. 3)

I20 Sch. 2 para. 7 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3** (with arts. 4, 5)

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;

(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.

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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

I21 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**

I22 Sch. 2 para. 8 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(f), **Sch.** (with art. 3)

I23 Sch. 2 para. 8 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3** (with arts. 4, 5)

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.

Commencement Information

I24 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**

I25 Sch. 2 para. 9 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(f), **Sch.** (with art. 3)

I26 Sch. 2 para. 9 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3** (with arts. 4, 5)

Status: *Point in time view as at 06/09/2015.*
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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

I27 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**

I28 Sch. 2 para. 10 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(f), **Sch.** (with art. 3)

I29 Sch. 2 para. 10 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3** (with arts. 4, 5)

SCHEDULE 3

Section 23

REGISTRATION: TRANSITIONAL PROVISION

Interpretation

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

Commencement Information

I30 Sch. 3 para. 1 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), **Sch.** (with art. 3)

I31 Sch. 3 para. 1 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(f)** (with art. 5)

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

I32 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**

I33 Sch. 3 para. 2 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), **Sch.** (with art. 3)

I34 Sch. 3 para. 2 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(f)** (with art. 5)

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.

Modifications etc. (not altering text)

C6 Sch. 3 para. 3 excluded (E.) (15.12.2014) by The Commons Registration (England) Regulations 2014 (S.I. 2014/3038), regs. 1(1)(b), **42(6)** (with reg. 1(2)(3))

C7 Sch. 3 para. 3 excluded (E.) (15.12.2014) by The Commons Registration (England) Regulations 2014 (S.I. 2014/3038), regs. 1(1)(b), **42(2)** (with reg. 1(2)(3))

Commencement Information

I35 Sch. 3 para. 3 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), **Sch.** (with art. 3)

I36 Sch. 3 para. 3 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(f)** (with art. 5)

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

I37 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**

I38 Sch. 3 para. 4 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), **Sch.** (with art. 3)

I39 Sch. 3 para. 4 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(f)** (with art. 5)

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

I40 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**

I41 Sch. 3 para. 5 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), **Sch.** (with art. 3)

I42 Sch. 3 para. 5 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(f)** (with art. 5)

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.

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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

I43 Sch. 3 para. 6 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), **Sch.** (with art. 3)

I44 Sch. 3 para. 6 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(f)** (with art. 5)

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.

Commencement Information

I45 Sch. 3 para. 7 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), **Sch.** (with art. 3)

I46 Sch. 3 para. 7 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(f)** (with art. 5)

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.

(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

I47 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**

I48 Sch. 3 para. 8 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(g), **Sch.** (with art. 3)

I49 Sch. 3 para. 8 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(f)** (with art. 5)

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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)*

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

I50 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" substitute " which is under the control and management of a London borough council ".

Commencement Information

I51 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)**

I52 Sch. 4 para. 1 in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(h)(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.

(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.

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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 21 August 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)*

(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

I53 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)**

I54 Sch. 4 para. 2 in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(h)(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;

(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

I55 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)**

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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)*

I56 Sch. 4 para. 3 in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(h)(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

I57 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))

I58 Sch. 4 para. 4 in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(h)(i)** (with art. 4(5))

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

I59 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))

I60 Sch. 4 para. 5 in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(h)(i)**

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.

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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

I61 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

I62 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)**

I63 Sch. 4 para. 7 in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(h)(i)**

SCHEDULE 5

Section 52

MINOR AND CONSEQUENTIAL AMENDMENTS

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 ".

Commencement Information

I64 Sch. 5 para. 1 in force at 31.10.2011 for E. by S.I. 2011/2460, **art. 2(a)(i)** (with art. 3)

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—

Status: *Point in time view as at 06/09/2015.*
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(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;".

Commencement Information

I65 Sch. 5 para. 2 in force at 31.10.2011 for E. by S.I. 2011/2460, **art. 2(a)(i)** (with art. 3)

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 ".

Commencement Information

I66 Sch. 5 para. 3 in force at 31.10.2011 for specified purposes for E. by S.I. 2011/2460, **art. 2(b)**

I67 Sch. 5 para. 3 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(g)** (with art. 5)

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

I68 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**

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—

""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;";

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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) 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 ".

Commencement Information

I69 Sch. 5 para. 5 in force at 31.10.2011 for E. by S.I. 2011/2460, **art. 2(a)(i)** (with art. 3)

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

I70 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**

I71 Sch. 5 para. 6(b) in force at 31.10.2011 for specified purposes for E. by S.I. 2011/2460, **art. 2(b)**

I72 Sch. 5 para. 6(b) in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(h)** (with art. 5)

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

I73 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**

I74 Sch. 5 para. 7(1) in force at 31.10.2011 for specified purposes for E. by S.I. 2011/2460, **art. 2(b)**

I75 Sch. 5 para. 7(1)-(4) in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(h)** (with art. 5)

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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)*

I76 Sch. 5 para. 7(2)-(4) in force at 31.10.2011 for specified purposes for E. by S.I. 2011/2460, **art. 2(b)**

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 ".

Commencement Information

I77 Sch. 5 para. 8 in force at 31.10.2011 for specified purposes for E. by S.I. 2011/2460, **art. 2(b)**

I78 Sch. 5 para. 8 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(h)** (with art. 5)

SCHEDULE 6

Section 53

REPEALS

PART 1

REPEALS RELATING TO REGISTRATION

Commencement Information

I79 Sch. 6 Pt. 1 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(h), **Sch.** (with art. 3)

I80 Sch. 6 Pt. 1 in force at 1.12.2010 for specified purposes by S.I. 2010/2356, **art. 3(2)** (with art. 4)

I81 Sch. 6 Pt. 1 in force at 1.12.2010 for specified purposes by S.I. 2010/2356, **art. 3(3)**

I82 Sch. 6 Pt. 1 in force at 15.12.2014 for specified purposes for E. by S.I. 2014/3026, **art. 3(1)(i)** (with art. 5)

I83 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).

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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)*

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.
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

I84 Sch. 6 Pt. 2 in force at 1.4.2012 for W. in so far as not already in force by S.I. 2012/739, **art. 2(h)(ii)** (with art. 4(4))

I85 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.

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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)*

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 (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

I86 Sch. 6 Pt. 3 in force at 1.4.2012 for W. in so far as not already in force by S.I. 2012/739, **art. 2(h)(ii)** (with art. 4(2))

I87 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.

Status: *Point in time view as at 06/09/2015.*
Changes to legislation: *Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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)*

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; (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

I88 Sch. 6 Pt. 5 in force at 1.4.2012 for W. in so far as not already in force by S.I. 2012/739, **art. 2(h)(ii)**

I89 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 06/09/2015.

Changes to legislation:
Commons Act 2006 is up to date with all changes known to be in force on or before 21 August 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.