



Commons Act 2006

2006 CHAPTER 26

PART 2

MANAGEMENT

Functions of commons councils

31 Functions

- (1) An order under section 26 is to confer on a commons council functions relating to any one or more of the following—
 - (a) the management of agricultural activities on the land for which the council is established;
 - (b) the management of vegetation on the land;
 - (c) the management of rights of common on the land.
- (2) The functions conferred on a commons council under subsection (1) must be those the appropriate national authority considers appropriate in the case of that council.
- (3) The functions which may be conferred on a commons council under subsection (1) include in particular functions of—
 - (a) making rules relating to agricultural activities, the management of vegetation and the exercise of rights of common on the land for which the council is established;
 - (b) making rules relating to the leasing or licensing of rights of common;
 - (c) preparing and maintaining a register of grazing;
 - (d) establishing and maintaining boundaries;
 - (e) removing unlawful boundaries and other encroachments;
 - (f) removing animals unlawfully permitted to graze.
- (4) Rules made by virtue of subsection (3)(a) may have the effect of—

Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Section 31. (See end of Document for details)

- (a) limiting or imposing conditions on the exercise of rights of common over, or the exercise of rights to use the surplus of, the land for which the council is established;
 - (b) requiring the provision of information to the commons council in relation to the exercise of those rights.
- (5) In exercising a function conferred under subsection (3)(f), a commons council may—
 - (a) dispose of any animal it removes; and
 - (b) recover from the owner of the animal the costs that it may reasonably incur in removing and disposing of it.
- (6) A commons council must discharge its functions having regard to—
 - (a) any guidance given by the appropriate national authority; and
 - (b) the public interest in relation to the land for which it is established.
- (7) The reference in subsection (6)(b) to the public interest includes the public interest in—
 - (a) nature conservation;
 - (b) the conservation of the landscape;
 - (c) the protection of public rights of access to any area of land; and
 - (d) the protection of archaeological remains and features of historic interest.

Commencement Information

- I1** [S. 31](#) partly in force; [s. 31](#) not in force at Royal Assent see [s. 56\(1\)](#); [s. 31\(6\)\(a\)](#) in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386](#), [art. 2](#)
- I2** [S. 31](#) in force at 20.1.2010 for E. by [S.I. 2010/61](#), [art. 2](#) (with [art. 3](#))

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