



# Commons Act 2006

## 2006 CHAPTER 26

### PART 3

#### WORKS

#### 41 Enforcement

- (1) Where any works are carried out on land to which section 38 applies in contravention of subsection (1) of that section, any person may apply to the county court <sup>F1</sup>....
- (2) On an application under this section the court may make an order—
  - (a) in any case, for removal of the works and restoration of the land to the condition it was in before the works were carried out;
  - (b) in a case where consent has been given under section 38(1) but the works have not been carried out in accordance with any term of that consent, for the works to be carried out in such manner and subject to such conditions as the order may specify.

#### Textual Amendments

- F1** Words in s. 41(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 70](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

#### Modifications etc. (not altering text)

- C1** S. 41 applied (with modifications) (1.10.2007 for E.) by [1967 c. xxix](#), [Sch. art. 12\(2B\)](#) (as inserted by [Commons Act 2006 \(c. 26\)](#), ss. 44, 56, [Sch. 4 para. 2\(3\)](#); [S.I. 2007/2584](#), art. 2)  
S. 41 applied (1.10.2007 for E.) by [1971 c. vi](#), s. 23(2B) (as inserted by [Commons Act 2006 \(c. 26\)](#), ss. 44, 56, [Sch. 4 para. 4\(3\)](#); [S.I. 2007/2584](#), art. 2)
- C2** S. 41 applied by [1971 c. vi](#) s. 23(2B) (as inserted (1.10.2007 for E., 1.4.2012 for W.) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 4 para. 4\(3\)](#) (with s. 60); [S.I. 2007/2584](#), art. 2(d)(i); [S.I. 2012/739](#), art. 2(h)(i) (with art. 4(5)))

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*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Section 41. (See end of Document for details)*

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- C3** S. 41 applied (with modifications) by 1967 c. xxix, Sch. art. 12(2B) (as inserted (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, **Sch. 4 para. 2(3)** (with s. 60); S.I. 2007/2584, art. 2(d)(i); S.I. 2012/739, art. 2(h)(i))

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**Commencement Information**

- I1** S. 41 not in force at Royal Assent see s. 56(1); s. 41 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2**
- I2** S. 41 in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(e)**

**Changes to legislation:**

There are currently no known outstanding effects for the Commons Act 2006, Section 41.