



Commons Act 2006

2006 CHAPTER 26

PART 1

REGISTRATION

Registration of rights of common

6 Creation

- (1) A right of common cannot at any time after the commencement of this section be created over land to which this Part applies by virtue of prescription.
- (2) A right of common cannot at any time after the commencement of this section be created in any other way over land to which this Part applies except—
 - (a) as specified in subsection (3); or
 - (b) pursuant to any other enactment.
- (3) A right of common may be created over land to which this Part applies by way of express grant if—
 - (a) the land is not registered as a town or village green; and
 - (b) the right is attached to land.
- (4) The creation of a right of common in accordance with subsection (3) only has effect if it complies with such requirements as to form and content as regulations may provide.
- (5) The creation of a right of common in accordance with subsection (3) does not operate at law until on an application under this section—
 - (a) the right is registered in a register of common land; and
 - (b) if the right is created over land not registered as common land, the land is registered in a register of common land.
- (6) An application under this section to register the creation of a right of common consisting of a right to graze any animal is to be refused if in the opinion of the

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commons registration authority the land over which it is created would be unable to sustain the exercise of—

- (a) that right; and
- (b) if the land is already registered as common land, any other rights of common registered as exercisable over the land.

Commencement Information

- I1** S. 6 partly in force; s. 6 not in force at Royal Assent see s. 56(1); s. 6(4) in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386](#), [art. 2](#)
- I2** S. 6 in force at 1.10.2008 for specified purposes for E. by [S.I. 2008/1960](#), [art. 2\(1\)\(b\)](#), [Sch.](#) (with [art. 3](#))
- I3** S. 6 in force at 15.12.2014 for specified purposes for E. by [S.I. 2014/3026](#), [art. 3\(1\)\(b\)](#) (with [art. 5](#))

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