

## SCHEDULES

### SECOND SCHEDULE

Section 23.

#### FURTHER PROVISIONS AS TO ORDERS RELATING TO COMMONS

##### *Duty to consult conservators*

- 1 Before making an order under section twenty-three of this Act with respect to land which is or forms part of a common of which conservators have been appointed under any local Act, or under any order made under an Act of Parliament, the rural district council shall consult with the conservators.

##### *Procedure for making orders imposing prohibitions*

- 2 Before making any order under the said section twenty-three, other than an order the sole effect of which is to revoke or vary a previous order under that section, the rural district council shall publish in one or more local newspapers circulating in the locality in which the land is situated a notice—
- (a) stating the general effect of the order ;
  - (b) specifying a place in the said locality where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice ; and
  - (c) stating that, within the said period, any person may by notice to the council object to the making of the order.
- 3 (1) Not later than the date on which the said notice is first published the rural district council shall serve a copy thereof on every person entitled as lord of the manor or otherwise to the soil of the land:
- Provided that where the persons entitled to the soil of the land are numerous, or cannot after diligent inquiry be ascertained, the Minister may dispense with the service of notices under this sub-paragraph.
- (2) A notice under the foregoing sub-paragraph may be served on any person by sending it in a registered letter addressed to him at his usual or last known address.
- 4 (1) If before the expiration of a period of twenty-eight days beginning with the date of the first publication of a notice under paragraph 2 of this Schedule an objection to the making of the order to which the notice relates is duly made to the rural district council by any person entitled to the soil of the land, and the notice is not subsequently withdrawn, the rural district council shall not proceed with the making of the order.
- (2) Subject as aforesaid, the council may, at any time within one year after the expiration of the said period, make an order in the terms of the draft order ; but if any objection to the making of the order was duly made within the said period by a person who was not entitled to the soil of the land, and the objection has not been withdrawn at the

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*Status: This is the original version (as it was originally enacted).*

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date on which the order is made, the order shall not take effect until it is confirmed by the Minister.

- (3) Where the council submit an order to the Minister for his confirmation, they shall send to the Minister a copy of every such objection as is referred to in the last foregoing sub-paragraph; and the Minister, after considering every such objection and causing if he thinks fit a local inquiry to be held, may confirm or refuse to confirm the order and, if he confirms it, may do so subject to such modifications (if any) as he may think desirable.

*Notice to lord of manor of other orders*

- 5       Where the sole effect of an order under section twenty-three of this Act is to revoke or vary a previous order under that section (so that paragraphs 2 to 4 of this Schedule do not apply with respect to the making of the order) the rural district council shall serve such notices, and take such other steps, as appear to them to be appropriate for informing the persons entitled to the soil of the land of the effect of the order.

*Crown land*

- 6       (1) Where it is proposed to make an order of the kind described in paragraph 2 of this Schedule with respect to land in which there is a Crown or Duchy interest, and the nature of that interest is such that, but for this paragraph, the person to whom the interest belongs would be entitled under paragraph 3 of this Schedule to a copy of the notice referred to in that paragraph,—
- (a) the said paragraph 3 shall have effect as if it required the copy to be served instead on the appropriate authority ; and
  - (b) sub-paragraph (1) of paragraph 4 of this Schedule shall not apply in relation to the order, but the council shall not make the order unless and until they have obtained the consent in writing thereto of the appropriate authority.
- (2) In this paragraph " Crown or Duchy interest" means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department; and " the appropriate authority "—
- (a) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land ;
  - (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;
  - (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints ; and
  - (d) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.