



# Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

## PART XI

### MISCELLANEOUS

#### *Commons and Waste Lands*

#### **193 Rights of the public over commons and waste lands.**

- (1) Members of the public shall, subject as hereinafter provided, have rights of access for air and exercise to any land which is a metropolitan common within the meaning of the Metropolitan Commons Acts, 1866 to 1898, or manorial waste, or a common, which is wholly or partly situated within [<sup>F1</sup>an area which immediately before 1st April 1974 was] a borough or urban district, and to any land which at the commencement of this Act is subject to rights of common and to which this section may from time to time be applied in manner hereinafter provided:

Provided that—

- (a) such rights of access shall be subject to any Act, scheme, or provisional order for the regulation of the land, and to any byelaw, regulation or order made thereunder or under any other statutory authority; and
- (b) the Minister shall, on the application of any person entitled as lord of the manor or otherwise to the soil of the land, or entitled to any commonable rights affecting the land, impose such limitations on and conditions as to the exercise of the rights of access or as to the extent of the land to be affected as, in the opinion of the Minister, are necessary or desirable for preventing any estate, right or interest of a profitable or beneficial nature in, over, or affecting the land from being injuriously affected, [<sup>F2</sup>for conserving flora, fauna or geological or physiographical features of the land,] or for protecting any object of historical interest and, where any such limitations or conditions are so imposed, the rights of access shall be subject thereto; and

*Status: Point in time view as at 01/04/2012.*

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- (c) such rights of access shall not include any right to draw or drive upon the land a carriage, cart, caravan, truck, or other vehicle, or to camp or light any fire thereon; and
- (d) the rights of access shall cease to apply—
- (i) to any land over which the commonable rights are extinguished under any statutory provision;
  - (ii) to any land over which the commonable rights are otherwise extinguished if the council of the county [<sup>F3</sup>, county borough][<sup>F4</sup>or metropolitan district]. . . in which the land is situated by resolution assent to its exclusion from the operation of this section, and the resolution is approved by the Minister.
- [<sup>F5</sup>(2) The lord of the manor or other person entitled to the soil of any land subject to rights of common may by deed, revocable or irrevocable, declare that this section shall apply to the land, and upon such deed being deposited with the Minister the land shall, so long as the deed remains operative, be land to which this section applies.]
- (3) Where limitations or conditions are imposed by the Minister under this section, they shall be published by such person and in such manner as the Minister may direct.
- (4) Any person who, without lawful authority, draws or drives upon any land to which this section applies any carriage, cart, caravan, truck, or other vehicle, or camps or lights any fire thereon, or who fails to observe any limitation or condition imposed by the Minister under this section in respect of any such land, shall be liable on summary conviction to a fine not exceeding [<sup>F6</sup>£20] for each offence.
- (5) Nothing in this section shall prejudice or affect the right of any person to get and remove mines or minerals or to let down the surface of the manorial waste or common.
- (6) This section does not apply to any common or manorial waste which is for the time being held for Naval, Military or Air Force purposes and in respect of which rights of common have been extinguished or cannot be exercised.

#### Textual Amendments

- F1** Words inserted by [Local Government Act 1972 \(c. 70\), S. 189\(4\)](#)
- F2** Words in s. 193(1) in para. (b) of the proviso inserted (1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, s. 46(3), [Sch. 4 para. 1](#) (with s. 43); S.I. 2001/114, [art. 2\(2\)\(b\)\(j\)](#); S.I. 2001/1410, [art. 2\(b\)\(j\)](#)
- F3** Words in s. 193(1)(d)(ii) inserted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 7\(1\)](#) (with s. 54(7), [Sch. 17 paras. 22, 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)
- F4** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 10\(5\)](#)
- F5** S. 193(2) repealed (21.6.2004 for W. and 6.12.2006 to the extent not already in force for W. and otherwise prosp.) and superseded by 2000 c. 37, ss. 46(1)(a), 102, 103, [Sch. 16 Pt. I](#) (with s. 43); S.I. 2004/1489, [art. 2](#) (with saving in art. 3); S.I. 2006/3257, [art. 2\(c\)\(i\)](#) (with saving in art. 4)
- F6** Figures substituted by [Criminal Justice Act 1967 \(c. 80\), Sch. 3 Pt. I](#)

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

- C1** S. 193 saved by [New Forest Act 1964 \(c. 83\), s. 5\(2\)](#), [Commons Registration Act 1965 \(c. 64\), s. 21\(1\)](#) and [Road Traffic Act 1972 \(c. 20\), s. 36\(4\)](#)
- C2** Functions of Minister of Agriculture, Fisheries and Food under s. 193 now exercisable by Secretary of State: S.I. 1955/554 (1955 I, p. 1200), 1965/143, 1967/156 and 1970/1681
- C3** S. 193: powers transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, [Sch. 1](#)

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- C4** S. 193: power to modify conferred (12.8.2007 for W. and 1.10.2007 for E.) [Commons Act 2006 \(c. 26\), ss. 17\(6\)-\(8\), 56](#) (with s. 60); [S.I. 2007/2386, art. 2](#); [S.I. 2007/2584, art. 2](#)
- C5** S. 193 power to modify conferred (1.10.2007 for E., 1.4.2012 for W.) by [Commons Act 2006 \(c. 26\), s. 17\(6\)-\(8\)\(a\), 56](#) (with s. 60); [S.I. 2007/2584, art. 2\(a\)](#) (with art. 3); [S.I. 2012/739, art. 2\(b\)](#) (with art. 4)
- C6** S. 193(6) extended by [S.I. 1965/1536](#)

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