
STATUTORY INSTRUMENTS

1982 No. 209

COMMON

The Commons (Schemes) Regulations 1982

Made - - - - *17th February 1982*

Coming into Operation *25th March 1982*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by sections 1, 2 and 15 of the Commons Act 1899⁽¹⁾ and now vested in them⁽²⁾, and of all other powers enabling them in that behalf, hereby make the following regulations:—

1. These regulations may be cited as the Commons (Schemes) Regulations 1982, and shall come into operation on 25th March 1982.

2. In these regulations, “council” means the council of a district, and “scheme” means a scheme made under the Commons Act 1899 for the regulation and management of a common.

3. A scheme made by a council shall be in the form set out in the Schedule to these regulations, subject to such modifications as appear to the council to be necessary or expedient.

4. Notice of the intention to make a scheme shall be given by—

- (a) inserting a notice in the form set out in the Schedule to these regulations, or a form to the like effect, in at least one newspaper circulating in the neighbourhood of the common to which the proposed scheme relates, the notice to be inserted twice with an interval of not less than one week between the insertions;
- (b) displaying copies of the notice at two or more places on the common;
- (c) serving a copy of the notice upon the council of every county and of every parish and, in Wales, of every community in which the common, or any part of the common, to which the proposed scheme relates is situate;
- (d) sending a copy of the notice to every person entitled to the soil of the common, whether as Lord of the Manor or otherwise;
- (e) sending a copy of the notice to every commoner:

Provided that, where a copy of the notice is required to be sent,—

- (i) it shall be sent by pre-paid registered letter, or by the recorded delivery service;

⁽¹⁾ , as amended by section 272 of, and Schedule 30 to, the Local Government Act 1972 (c. 70), and by section 1 of, and Schedule 3 to, the Local Government, Planning and Land Act 1980 (c. 65).

⁽²⁾ 1903 c.31, 1919 c.91; S.I. 1955/554, 1965/143, 1967/156, 1970/1681.

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- (ii) in a case where Her Majesty is entitled to the soil of the common, the copy of the notice shall be sent to the Crown Estate Commissioners or, where Her Majesty is entitled as Duke of Lancaster, to the Chancellor of the Duchy of Lancaster;
- (iii) in a case where the Duke of Cornwall is entitled to the soil of the common, the copy of the notice shall be sent to the Lord Warden of the Stannaries.
- (iv) in a case where the council is satisfied after reasonable inquiry that it is not practicable to ascertain the name or address of any person or commoner, it may dispense with the requirement to send a copy of the notice to that person or, as the case may be, to that commoner;
- (v) in a case where the council considers that the commoners are too numerous, it may dispense with the requirement to send a copy of the notice to the commoners.

5. Copies of a draft scheme shall be placed on sale at the offices of the council which intends to make the scheme for such reasonable price as the council may determine.

6. The plan referred to in a draft scheme shall be deposited at the offices of the council which intends to make the scheme, and shall be available for inspection during office hours.

7. The Commons Regulations 1935 are hereby revoked.

11th February 1982

Michael R.D. Heseltine
Secretary of State for the Environment

17th February 1982

Nicholas Edwards
Secretary of State for Wales

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EXPLANATORY NOTE

These regulations prescribe the form of the schemes which may be made by district councils under the Commons Act 1899, and the form of notice of a council's intention to make schemes. The aim of these schemes is to make provision for the regulation and management of common land. Under them councils may improve the condition of commons and make byelaws to prevent nuisances and preserve order.