
STATUTORY INSTRUMENTS

2006 No. 2145

COMMONS, ENGLAND

The Commons (Severance of Rights) (England) Order 2006

Made - - - - *3rd August 2006*
Laid before Parliament *7th August 2006*
Coming into force - - *9th September 2006*

The Secretary of State, in exercise of the powers conferred upon him by section 9(2) and (7), section 59(1) and section 61(1)(1) of, and paragraph 2(1)(a) of Schedule 1 to, the Commons Act 2006(2), makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Commons (Severance of Rights) (England) Order 2006, and shall come into force on 9th September 2006 but shall have effect as from 28th June 2005.

(2) This Order applies in relation to England.

Temporary severance of right of common

2.—(1) A right of common to graze animals to which section 9(1) of the Commons Act 2006 applies may be temporarily severed from the land to which it is attached—

- (a) by leasing or licensing the right of common on its own, provided that the period of the lease or licence does not exceed two years; or
- (b) by leasing or licensing the land, or part of the land, to which the right of common is attached, without the right of common.

(2) Where a right of common is temporarily severed from any land pursuant to paragraph (1)(b), any disposal of the retained right of common on or after the grant of the lease or licence of the land and before its termination shall be of no effect unless—

- (a) the disposal is made to the grantee of the lease or licence of the land; and
- (b) the disposal is made for a period expiring not more than two years from the expiry of the lease or licence of the land.

(1) The Secretary of State is the appropriate national authority in relation to England.
(2) c.26.

(3) References in this article to a right of common, in relation to a right of common to graze more than one animal, include a right to graze a proportion of the number of animals that may be grazed by virtue of that right of common.

3rd August 2006

Barry Gardiner
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

Section 9 of the Commons Act 2006, which is deemed, by section 9(7) of that Act, to have come into force on 28th June 2005, prevents, subject to exceptions, the severance of a right of common from the land to which it is attached.

This Order permits the temporary severance of a right of common to graze animals from the land to which the right is attached by enabling the leasing or licensing of the right to a third party for no more than two years (*article 2(1)(a)*) or by a lease or licence of the land without the right (*article 2(1)(b)*).

This Order comes into force on 9th September 2006 and has effect as from 28th June 2005 in order that any lease or licence of a right of common to graze animals granted after that date for a period of two years or less is not void by virtue of section 9(3) of the Act.

A regulatory impact assessment has not been prepared in respect of this Order, as it has no impact on the costs of business.