
STATUTORY INSTRUMENTS

2007 No. 2584

**The Commons Act 2006 (Commencement No. 3,
Transitional Provisions and Savings) (England) Order 2007**

Transitional provisions and savings

3.—(1) Until the coming into force of section 1 of the 2006 Act in relation to any area of England—

(a) references to land being registered as common land or as a town or village green in—

(i) sections 16 and 17 of the 2006 Act;

(ii) sections 38 and 44 of the 2006 Act; and

(iii) section 29(2) of the National Trust Act 1907⁽¹⁾,

shall, in relation to that area, be taken as references to land being so registered under the 1965 Act; and

(b) references in section 17 of the 2006 Act to rights of common being registered as exercisable over such land shall, in relation to that area, be taken as references to rights of common being so registered under the 1965 Act.

(2) An order under section 17(1) of the 2006 Act relating to land in any area of England shall, until the coming into force of section 1 of the 2006 Act in relation to that area, be taken as an order requiring the commons registration authority to remove the release land from its register of common land or town or village greens kept under the 1965 Act, and (where applicable) to register the matters referred to in section 17(2) of the 2006 Act in that register.

(3) Notwithstanding the repeal of section 147 of the Inclosure Act 1845⁽²⁾, section 4 of the Inclosure Act 1847⁽³⁾ and sections 4 and 5 of the Inclosure Act 1857⁽⁴⁾, any application for an order of exchange under section 147 of the Inclosure Act 1845 made before 1st October 2007 shall continue to be dealt with on and after that date as if those provisions remained in force.

(4) Section 38(1) of the 2006 Act shall not apply in relation to any works carried out in accordance with consent which is granted under section 194 of the Law of Property Act 1925⁽⁷⁾ before 1st October 2007.

(5) Notwithstanding the repeal of section 194 of the Law of Property Act 1925—

(a) any application for consent under that section made before 1st October 2007 shall continue to be dealt with on and after that date as if that section remained in force; and

(b) if consent is granted on such an application, section 38(1) of the 2006 Act shall not apply in relation to any works carried out in accordance with that consent.

(1) 1907 c.cxxxvi, as amended by paragraph 3 of Schedule 4 to the 2006 Act.

(2) 1845 c.118. Section 147 is repealed by section 53 of, and Part 3 of Schedule 6 to, the 2006 Act.

(3) 1847 c.111. Section 4 is repealed by section 53 of, and Part 3 of Schedule 6 to, the 2006 Act.

(4) 1857 c.31. Sections 4 and 5 are repealed by section 53 of, and Part 3 of Schedule 6 to, the 2006 Act.

(7) 1925 c.20. Section 194 is repealed by section 53 of, and Part 2 of Schedule 6 to, the 2006 Act.

Changes to legislation: *There are currently no known outstanding effects for the The Commons Act 2006 (Commencement No. 3, Transitional Provisions and Savings) (England) Order 2007, Section 3. (See end of Document for details)*

(6) Subsection (2A) of section 23 of the National Trust Act 1971⁽⁵⁾ shall not apply in relation to any application for consent under that section made before 1st October 2007.

(7) Section 15 of the New Parishes Measure 1943⁽⁶⁾ shall, in relation to any application for consent under that section made before 1st October 2007, continue to apply as if it had not been amended by the 2006 Act.

(5) 1971 c.vi. Section 23(2A) is inserted, and other amendments are made to section 23, by paragraph 4 of Schedule 4 to the 2006 Act.

(6) 1943 No.1. Section 15 is amended by paragraph 5 of Schedule 4 to the 2006 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Commons Act 2006 (Commencement No. 3, Transitional Provisions and Savings) (England) Order 2007, Section 3.