
STATUTORY INSTRUMENTS

2008 No. 1960 (C. 94)

COMMONS, ENGLAND

The Commons Act 2006 (Commencement
No. 4 and Savings) (England) Order 2008

Made - - - - 21st July 2008

The Secretary of State, in exercise of the powers conferred by sections 56(1) and 59(1) of the Commons Act 2006(1), makes the following Order:

Citation, interpretation and application

1.—(1) This Order may be cited as the Commons Act 2006 (Commencement No. 4 and Savings) (England) Order 2008.

(2) In this Order—

“the 1965 Act” means the Commons Registration Act 1965(2);

“the 2006 Act” means the Commons Act 2006;

“the pilot areas” means the registration areas in England, as at 1st October 2008, of the commons registration authorities specified in the Schedule; and

“registration area”, in relation to a commons registration authority, means—

- (a) all the land within the area of that authority, except for any land for which another authority acts as the commons registration authority pursuant to an agreement made under section 2(2) of the 1965 Act or section 4(3) of the 2006 Act; and
- (b) any other land for which that authority acts as the commons registration authority pursuant to such an agreement.

(3) This Order applies in relation to England.

Commencement of provisions

2.—(1) The following provisions of the 2006 Act come into force on 1st October 2008 in relation to the pilot areas—

- (a) sections 1 to 3 (introductory);
- (b) sections 6 to 13 (registration of rights of common);

(1) 2006 c. 26.
(2) 1965 c. 64.

- (c) sections 14 (statutory dispositions);
 - (d) sections 18 and 19 (conclusiveness and correction of the registers);
 - (e) sections 20 and 21 (information etc.);
 - (f) section 22 and Schedule 2 (non-registration or mistaken registration under the 1965 Act);
 - (g) section 23 and Schedule 3 (transitional);
 - (h) the entry relating to the 1965 Act in Part 1 of Schedule 6 (repeals relating to registration) to the extent of repealing sections 1 to 7, 10 to 12, 13 (insofar as the repeal of section 13 has not already been commenced), 14 to 16 and 19 of that Act, and section 53 insofar as it relates to that entry.
- (2) Section 46 of the 2006 Act (powers relating to unauthorised agricultural activities) comes into force on 1st October 2008.

Savings

- 3.—(1) This article applies in relation to the pilot areas.
- (2) Paragraph (3) applies where—
- (a) an application for the amendment of a register has been made to a commons registration authority before 1st October 2008, pursuant to regulations under section 13(c) of the 1965 Act; and
 - (b) the commons registration authority has not determined the application before that date.
- (3) The commons registration authority shall continue to deal with the application on and after 1st October 2008 as if section 13(c) of the 1965 Act had not been repealed.
- (4) Paragraph (5) applies where, before 1st October 2008, a commons registration authority has not complied with any requirement imposed on it by section 6(2) or (3) or section 7(2) of the 1965 Act.
- (5) Such of the following provisions as may be applicable continue to apply in relation to the requirement until it is complied with, as if the provisions had not been repealed or revoked—
- (a) section 6(2), and regulations made under sections 6(2) and 19(1)(k) of the 1965 Act⁽³⁾;
 - (b) section 6(3) of the 1965 Act;
 - (c) section 7(2), and regulations made under sections 7(2) and 19(1)(k) of the 1965 Act⁽⁴⁾.
- (6) In relation to any amendment made to a register before 1st October 2008, section 14(b) of the 1965 Act continues to apply as if it had not been repealed.

Jonathan Shaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

21st July 2008

(3) The Commons Registration (Disposal of Disputed Registrations) Regulations 1972 (S.I. 1972/437), as amended by S.I. 1993/1771, require entries to be made in the prescribed manner for the purposes of section 6(2) of the 1965 Act.

(4) The Commons Registration (Finality of Undisputed Registrations) Regulations 1970 (S.I. 1970/1371), require entries to be made in the prescribed manner for the purposes of section 7(2) of the 1965 Act.

SCHEDULE

Article 1(2)

Commons registration authorities

Blackburn with Darwen Borough Council
Cornwall County Council
Devon County Council
County of Herefordshire District Council
Hertfordshire County Council
Kent County Council
Lancashire County Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings the following provisions of the Commons Act 2006 (“the 2006 Act”) into force on 1st October 2008 in respect of the registration areas (as defined in article 1(2)) in England of the commons registration authorities specified in the Schedule, which will participate in a pilot implementation of those provisions:

- (a) sections 1 to 3, which make provision about the registers and their contents;
- (b) sections 6 to 13, which make provision about the registration of rights of common;
- (c) section 14, which makes provision about the statutory disposition of land;
- (d) sections 18 and 19, which make provision for the conclusiveness and correction of the registers;
- (e) sections 20 and 21, which make provision for the inspection of and the production of office copies;
- (f) section 22 and Schedule 2, which make provision about non-registration or mistaken registration under the 1965 Act;
- (g) section 23 and Schedule 3, which make transitional provision.

The Order also brings section 46 of the 2006 Act into force in relation to the whole of England. This section confers powers on the Secretary of State to take action to stop unauthorised agricultural activities being carried out on land registered as common land or as a town or village green.

The Order also contains savings provisions.

Further information on the effect of these provisions may be found in the Explanatory Notes to the 2006 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2006 Act have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 4, 5 and 15	6th April 2007	2007/456 (C.17)
Sections 16 and 17	1st October 2007	2007/2584 (C.98)
Section 23 (partially)	1st October 2006	2006/2504 (C.84)
Section 24	6th April 2007	2007/456 (C.17)
Sections 38 to 43	1st October 2007	2007/2584 (C.98)
Sections 44(1) (partially), 45, 47, 49 and 51	1st October 2006	2006/2504 (C.84)
Section 44 (remainder)	1st October 2007	2007/2584 (C.98)
Section 48	1st October 2007	2007/2564 (C.98)
Section 52 (partially)	1st October 2006	2006/2504 (C.84)
Ditto	20th February 2007	2007/456 (C.17)
Section 53 (partially)	1st October 2006	2006/2504 (C.84)
Ditto	6th April 2007	2007/456 (C.17)
Ditto	1st October 2007	2007/2584 (C.98)
Schedule 3, paragraph 9	1st October 2006	2006/2504 (C.84)
Schedule 4, paragraph 6	1st October 2006	2006/2504 (C.84)
Schedule 4, remainder	1st October 2007	2007/2584 (C.98)
Schedule 5, paragraph 4	20th February 2007	2007/456 (C.17)
Schedule 5, paragraph 6 (partially)	20th February 2007	2007/456 (C.17)
Schedule 5, paragraph 7 (partially)	1st October 2006	2006/2504 (C.84)
Schedule 6, Part 1 (partially)	1st October 2006	2006/2504 (C.84)
Ditto	6th April 2007	2007/456 (C.17)
Schedule 6, Part 2 (partially)	1st October 2006	2006/2504 (C.84)
Schedule 6, Part 2 (remainder)	1st October 2007	2007/2584 (C.98)
Schedule 6, Part 3 (partially)	1st October 2006	2006/2504 (C.84)
Schedule 6, Part 3 (remainder)	1st October 2007	2007/2584 (C.98)
Schedule 6, Part 5	1st October 2007	2007/2584 (C.98)