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STATUTORY INSTRUMENTS

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**2015 No. 1515**

**The Bodmin Moor Commons  
Council Establishment Order 2015**

**Procedure for making, varying or revoking rules**

7.—(1) Rules under article 5(d) are to be made pursuant to a decision of the Council and must be confirmed by the Secretary of State before coming into force.

(2) Paragraph (1) applies to any variation of such rules as it applies to the making of rules, save that a variation consisting solely of the revocation of one or more rules is not subject to confirmation by the Secretary of State.

(3) At least one month before applying to the Secretary of State for confirmation of the rules, the Council must—

- (a) publish notice of its intention to apply for confirmation together with—
  - (i) details of the website on which publication is required under paragraph (ii), in one or more local newspapers circulating in the area of the Commons; and
  - (ii) a copy of the rules, on an appropriate website;
- (b) give notice in writing of its intention to apply for confirmation, together with a copy of the rules, to—
  - (i) every commoner whose name and address appears in the register maintained in accordance with article 8;
  - (ii) such persons (if any) as it considers represent the interests of commoners not included in paragraph (i); and
  - (iii) every owner of the Commons;
- (c) give notice in writing of its intention to apply for confirmation to, and deposit a copy of the rules with—
  - (i) the proper officer of Cornwall Council;
  - (ii) the proper officer of the Cornwall Area of Outstanding Natural Beauty Partnership; and
  - (iii) the chairman of each parish council and parish meeting within the area of the Commons; and
- (d) post a copy of the rules, together with a statement of its intention to apply for confirmation of them, in a prominent place on or in the locality of each area of land forming part of the Commons.

(4) The Council must provide to any person who so requests a copy of the rules, before or after confirmation, on payment of a reasonable charge.

(5) If any written representations are served on the Council before it applies for confirmation of the rules, the Council must send a copy of the representations to the Secretary of State with the application for confirmation, and the Secretary of State must take account of any such representations in deciding whether to confirm the rules.

(6) The Secretary of State may confirm, or refuse to confirm, any rules submitted under this article for confirmation, but reasons must be given to the Council if the Secretary of State refuses to confirm them.

(7) When rules have been confirmed by the Secretary of State, they come into force—

- (a) one month after the date of their confirmation; or
- (b) upon such later date as the Secretary of State may determine.

(8) When rules have been confirmed by the Secretary of State, the Council must, at least 14 days before the rules come into force—

- (a) publish notice of their confirmation, together with a copy of the rules and notification of the date on which they are to come into force, on an appropriate website;
- (b) give notice in writing of their confirmation and the date on which they are to come into force to, and deposit a copy of the rules with—
  - (i) the proper officer of Cornwall Council;
  - (ii) the proper officer of the Cornwall Area of Outstanding Natural Beauty Partnership; and
  - (iii) the chairman of each parish council and parish meeting within the area of the Commons;
- (c) give notice in writing of their confirmation and the date on which they are to come into force, together with a copy of the rules, to—
  - (i) every commoner whose name and address appears in the register maintained in accordance with article 8;
  - (ii) such persons (if any) as it considers represent the interests of commoners not included in paragraph (i);
  - (iii) every owner of the Commons; and
  - (iv) the chief constable of Devon and Cornwall Police; and
- (d) post a copy of the rules, together with a statement that they have been confirmed and the date on which they come into force, in a prominent place on or in the locality of each area of land forming part of the Commons.

(9) Where the Council is acting solely to revoke any rules made under article 5(d), not less than 14 days before the revocation comes into force the Council must—

- (a) publish notice of the revocation, together with a copy of the rules (in which any unrevoked rules are clearly to be distinguished from those newly revoked), on an appropriate website;
- (b) give notice in writing of the revocation, and the date on which it comes into effect, to—
  - (i) the Secretary of State;
  - (ii) the proper officer of Cornwall Council;
  - (iii) the proper officer of the Cornwall Area of Outstanding Natural Beauty Partnership;
  - (iv) the chairman of each parish council and parish meeting within the area of the Commons;
  - (v) every commoner whose name and address appears in the register maintained in accordance with article 8;
  - (vi) such persons (if any) as it considers represent the interests of commoners not included in paragraph (v);
  - (vii) every owner of the Commons; and
  - (viii) the chief constable of Devon and Cornwall Police; and

(c) post notice of the revocation of the rules, and the date on which it comes into effect, in a prominent place on or in the locality of each area of land forming part of the Commons.

(10) The proper officers and other persons mentioned in paragraphs (3)(c) and (8)(b) must retain the deposited copy of the rules in accordance with section 225 of the Local Government Act 1972<sup>(1)</sup> and make it available for inspection and the making of copies in accordance with section 228(5) and (6) of that Act—

(a) in the case of paragraph (3)(c), until such time as the confirmation of the rules is either given or refused by the Secretary of State or, prior to their confirmation, the Council withdraws the rules; or

(b) in the case of paragraph (8)(b), for as long as those rules remain in force.

(11) In this article “proper officer” has the meaning given by section 270(3) of the Local Government Act 1972.

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(1) 1972 c. 70. Section 225 contains amendments not relevant to its application to article 7. Section 228 was amended by the Criminal Justice Act 1982 (c. 48), sections 37, 38 and 46; by virtue of section 228(5), the offence in section 228(7) of obstructing inspection of documents, or refusing to give copies or extracts of documents, applies in relation to any rules deposited in accordance with article 7(3)(c). There are other amendments to section 228 which are not relevant to its application to the authorities referred to in article 7(2)(c). Sections 225(1) and 228 have effect as if, for the purpose of those provisions, a National Park Authority were a local authority, by virtue of paragraph 17(2) of Schedule 7 to the Environment Act 1995 (c. 25).