
WELSH STATUTORY INSTRUMENTS

2012 No. 737

The Works on Common Land,
etc. (Procedure) (Wales) Regulations 2012

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Works on Common Land, etc. (Procedure) (Wales) Regulations 2012.

(2) These Regulations come into force on 1 April 2012.

(3) These Regulations apply in relation to Wales.

Scope and Interpretation

2.—(1) In Part 2 of these Regulations—

(a) regulations 5 to 18 apply to applications to the Welsh Ministers under section 38(1) of the 2006 Act for consent to carry out restricted works on common land;

(b) regulations 19 and 20 apply to applications to the Welsh Ministers under section 39(5) of the 2006 Act to vary or revoke any modification or condition imposed in relation to a consent granted pursuant to an application under section 38(1); and

(c) regulation 21 applies to applications to the Welsh Ministers under section 23(2) of the National Trust Act 1971⁽¹⁾.

(2) In these Regulations—

“the 2006 Act” (“*Deddf 2006*”) means the Commons Act 2006;

“common land” (“*tir comin*”) means land of a type specified in section 38(5)(a) and (b) of the 2006 Act;

“the determining authority” (“*yr awdurdod sy’n penderfynu*”) means—

(a) the Welsh Ministers, where they are exercising functions in relation to the determination of an application of any of the kinds referred to in paragraph (1); or

(b) a person who is exercising functions in relation to the determination of such an application pursuant to an appointment under regulation 3(1) (other than an inspector who is appointed to carry out a hearing, inquiry or site inspection but not to determine an application);

(1) 1971 c.vi, as amended by paragraph 4 of Schedule 4 to the 2006 Act. Sections 39 and 40 of the 2006 Act apply in relation to an application under section 23(2) of the National Trust Act 1971 by virtue of section 23(2A) of that Act, as inserted by paragraph 4(3) of Schedule 4 to the 2006 Act.

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000(2);

“inspector” (“*arolygydd*”) means—

- (a) where the Welsh Ministers are the determining authority, a person appointed by the Welsh Ministers to carry out a hearing, inquiry or site inspection;
- (b) where another person is the determining authority, the person who conducts a hearing, inquiry or site inspection;

“notice of application” (“*hysbysiad o gais*”) means a notice containing the details specified in regulation 7(2).

Appointment of a person to exercise functions of the Welsh Ministers

3.—(1) The Welsh Ministers may appoint a person to exercise any or all of their functions in relation to—

- (a) applications of all or any of the kinds mentioned in paragraph (1) of regulation 2; or
- (b) one or more particular applications of any of those kinds.

(2) An appointment under paragraph (1) must be in writing.

(3) The Welsh Ministers may at any time, by giving notice in writing to a person appointed under paragraph (1) (an “appointed person”)—

- (a) revoke the appointment generally;
- (b) revoke the appointment insofar as it relates to a particular application which has not been determined by the appointed person before that time; or
- (c) revoke the authority of the appointed person to exercise a particular function in relation to an application.

(4) A notice under paragraph (3) will not affect the validity of anything done by the appointed person before the notice is given.

Electronic communications

4. Any requirement imposed by these Regulations for a person to send a notice or document to another person may be met by means of an electronic communication if—

- (a) it results in the information contained in that notice or document being available to the other person in a form similar to the form in which it would appear in a notice or document sent in printed form; and
- (b) the other person consents to the notice or document being sent by those means.

(2) [2000 c. 7](#). The definition of “electronic communication” was amended by the Communications Act 2003 (c. 21), Schedule 17, paragraph 158.