

Changes to legislation: There are currently no known outstanding effects for the Mobile Homes (Wales) Act 2013, Cross Heading: Procedure for making orders imposing prohibitions. (See end of Document for details)

SCHEDULE 3

FURTHER PROVISIONS ABOUT ORDERS RELATING TO COMMONS

Procedure for making orders imposing prohibitions

- 2 Before making any order under section 57(2), other than an order the sole effect of which is to revoke or vary a previous order, the local authority must publish in 1 or more local newspapers circulating in the locality in which the land is situated a notice—
- (a) stating the general effect of the order,
 - (b) specifying a place in that locality where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the first publication of the notice, and
 - (c) stating that, within that period, any person may by notice to the local authority object to the making of the order.

Commencement Information

II Sch. 3 para. 2 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(e) (with art. 4)

- 3 (1) Not later than the date on which notice under paragraph 2 is first published, the local authority must serve a copy of it on every person entitled as lord of the manor or otherwise to the soil of the land unless the local authority is satisfied that the persons entitled to the soil of the land are numerous or cannot after diligent inquiry be ascertained.
- (2) A notice under sub-paragraph (1) may be served on any person by sending it in a registered letter addressed to the person at the person's usual or last known address.

Commencement Information

II Sch. 3 para. 3 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(e) (with art. 4)

- 4 (1) If, before the end of the period of 28 days beginning with the date of the first publication of a notice under paragraph 2, an objection to the making of the order to which the notice relates is duly made to the local authority by any person entitled to the soil of the land, and the notice is not subsequently withdrawn, the local authority must not proceed with the making of the order.
- (2) Subject to that, the local authority may, at any time within 1 year after the end of that period, make an order in the terms of the draft order.
- (3) But if any objection to the making of the order was duly made within that period by a person who was not entitled to the soil of the land, and the objection has not been withdrawn at the date on which the order is made, the order does not take effect until it is confirmed by the Welsh Ministers.
- (4) Where the local authority submits an order to the Welsh Ministers for confirmation, it must send to the Welsh Ministers a copy of every such objection as is referred to in the sub-paragraph (3).

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- (5) The Welsh Ministers, after considering every such objection and (if they think fit) causing a local inquiry to be held, may confirm or refuse to confirm the order and, if they confirm it, may do so subject to such modifications (if any) as they think desirable.

Commencement Information

I3 Sch. 3 para. 4 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(e) (with art. 4)

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