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STATUTORY INSTRUMENTS

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**2006 No. 2504 (C. 84)**

**COMMONS, ENGLAND**

The Commons Act 2006 (Commencement No. 1,  
Transitional Provisions and Savings) (England) Order 2006

Made - - - - 11th September 2006

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

**Citation, interpretation and application**

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

(2) In this Order—

“the 1965 Act” means the Commons Registration Act 1965<sup>(2)</sup>;

“the 2006 Act” means the Commons Act 2006.

(3) This Order applies in relation to England only.

**Commencement of provisions**

2. The following provisions of the 2006 Act shall come into force on 1st October 2006—

- (a) section 45 (powers of local authorities over unclaimed land);
- (b) section 47 (approval);
- (c) section 49 (notice of inclosure);
- (d) section 51 (vehicular access);
- (e) in Schedule 3 (registration: transitional provision), paragraph 9 (vesting of unclaimed land), and section 23 insofar as it relates to that paragraph;
- (f) in Schedule 4 (works: supplementary), paragraph 6 (transitional provision), and section 44(1) insofar as it relates to that paragraph;
- (g) in Schedule 5 (minor and consequential amendments), sub-paragraph (5) of paragraph 7 (Countryside and Rights of Way Act 2000 (c.37)) and sub-paragraph (1) of paragraph

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(1) 2006 c.26.

(2) 1965 c.64.

- 7 insofar as it relates to sub-paragraph (5), and section 52 insofar as it relates to those provisions;
- (h) the following entries in Part 1 of Schedule 6 (repeals relating to registration), and section 53 insofar as it relates to those entries—
- (i) Commons Registration Act 1965(3), to the extent of repealing sections 8, 9 and 13(a);
  - (ii) Local Government Act 1972(4), section 189(1) and (2);
  - (iii) Local Government Act 1985(5), Schedule 8, paragraph 10(6);
  - (iv) Dartmoor Commons Act 1985(6), section 8;
  - (v) Common Land (Rectification of Registers) Act 1989(7);
  - (vi) Countryside and Rights of Way Act 2000(8), section 46(1);
  - (vii) Greenham and Crookham Commons Act 2002(9), section 33(1);
- (i) the following entries in Part 2 of Schedule 6 (repeals relating to works), and section 53 insofar as it relates to those entries—
- (i) Metropolitan Commons Act 1866(10), section 21;
  - (ii) Commons Act 1876(11), in section 30, the words from “Any person aggrieved” to the end of the section;
  - (iii) Commons Act 1899(12), section 21;
  - (iv) Compulsory Purchase Act 1965(13), in Schedule 7, the entry relating to the Commons Act 1899;
- (j) the following entries in Part 3 of Schedule 6 (repeals relating to approvement and inclosure) and section 53 insofar as it relates to those entries—
- (i) Commons Act 1285(14);
  - (ii) Law of Commons Amendment Act 1893(15).

### **Transitional provisions and savings**

**3.—**(1) In relation to any area of England, the reference in section 45(1) of the 2006 Act to land being registered as common land or a town or village green shall, until the coming into force of section 1 of that Act in relation to that area, be taken as a reference to land being so registered under the 1965 Act.

(2) Where, before 1st October 2006, a Commons Commissioner makes a direction under section 8(2) or (3) of the 1965 Act for a registration authority to register a person as the owner of land, but the registration authority does not comply with the direction before that date—

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- (3) 1965 c.64; section 8 was amended by the Local Government Act 1972 (c.70), section 189(2) and by the Land Registration Act 2002 (c.9), Schedule 11, paragraph 7(1) and (2); section 9 was amended by the Land Registration Act 2002 (c.9), Schedule 11, paragraph 7(1) and (3); section 13 was amended by the Law of Property Act 1969 (c.59), Schedule 2, Part I.
  - (4) 1972 c.70.
  - (5) 1985 c.51.
  - (6) 1985 c.xxxvii.
  - (7) 1989 c.18.
  - (8) 2000 c.37.
  - (9) 2002 c.i.
  - (10) 1866 c.122.
  - (11) 1876 c.56; section 30 was amended by the Administration of Justice (Appeals) Act 1934 (c.40), Schedule, Part I, and by the Constitutional Reform Act 2005 (c.4), Schedule 11, Part 4, paragraph 13.
  - (12) 1899 c.30; section 21 was amended by the Statute Law Revision Act 1908 (c.49).
  - (13) 1965 c.56.
  - (14) 13 Edw 1 c.46.
  - (15) 1893 c.57.

- (a) the direction shall continue to have effect on and after 1st October 2006 notwithstanding the repeal of section 8(2) and (3); and
- (b) if the direction is for a local authority to be registered as the owner of land, on the registration being made section 8(4) of the 1965 Act shall apply as if it had not been repealed.

(3) In relation to any area of England, section 13(a) of the 1965 Act and regulations made under it<sup>(16)</sup> shall, until the coming into force of section 14 of the 2006 Act in relation to that area, continue to have effect insofar as they relate to land which ceases to be common land or a town or village green by virtue of any instrument made under or pursuant to an enactment.

(4) Where, in relation to any land other than land referred to in paragraph (3)—

- (a) an application is made before 1st October 2006 to a registration authority, pursuant to regulations under section 13(a) of the 1965 Act, for land to be removed from the register as a result of that land having ceased to be common land or a town or village green, and
- (b) the registration authority does not determine the application before that date,

the registration authority shall continue to deal with the application on and after 1st October 2006 as if section 13(a) had not been repealed.

*Barry Gardiner*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

11th September 2006

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<sup>(16)</sup> Regulation 27 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471), as amended by S.I. 1968/658, makes provision under section 13(a) of the 1965 Act.

**Status:** *This is the original version (as it was originally made).*

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings the following provisions of the Commons Act 2006 into force on 1st October 2006 in relation to England: sections 23 and 44 (both partially), sections 45, 47, 49 and 51, sections 52 and 53 (both partially), paragraph 9 of Schedule 3, paragraph 6 of Schedule 4, paragraph 7(1) and (5) of Schedule 5, and Schedule 6 (partially). Further information on the effect of certain of these provisions may be found in the Explanatory Notes to the 2006 Act. The Order also contains transitional and saving provisions.