



# Greenham and Crookham Commons Act 2002

## 2002 CHAPTER i

### PART 1

#### PRELIMINARY

#### 1 Short title and commencement

- (1) This Act may be cited as the Greenham and Crookham Commons Act 2002.
- (2) This Act shall come into force on such day or days as the Council may by resolution appoint; and the Council may appoint different days for different provisions of this Act.
- (3) The Council shall cause to be published in a local newspaper circulating in the area of the Council notice of—
  - (a) the passing of any such resolution and of the day or days fixed by the resolution; and
  - (b) the general effect of the provisions of this Act coming into operation as from each day so fixed,and no day so fixed shall be earlier than the expiration of two months from the publication of the notice.
- (4) A photostatic or other reproduction certified by the officer appointed for the purpose by the Council to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice, and of the date of publication.

#### 2 Interpretation

- (1) In this Act, unless the context otherwise requires—

“the 1949 Act” means the National Parks and Access to the Countryside Act 1949 (c. 97);

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“the 1965 Act” means the Commons Registration Act 1965 (c. 64);

“the 1972 Act” means the Local Government Act 1972 (c. 70);

“the 2000 Act” means the Countryside and Rights of Way Act 2000 (c. 37);

“additional open space” means any additional open space for the time being designated as such under section 6 (Designation of additional open space) below;

“appointed Commissioner” means a Commissioner appointed under section 7(2)(a) to (g) (Establishment of Greenham and Crookham Common Commission) below;

“the appointed day”, in relation to any provision of this Act, means the day appointed under section 1(2) (Short title and commencement) above for the coming into force of that provision;

“appointing body” means any body specified in section 7(2)(a) to (g) (Establishment of Greenham and Crookham Common Commission) below;

“bicycle” means a pedal cycle and does not include a motor vehicle within the meaning of the Road Traffic Act 1988 (c. 52);

“the Commission” means the Greenham and Crookham Common Commission constituted by this Act;

“Commissioner” means a member of the Commission;

“the Common” means Greenham and Crookham Common;

“commoner” means a person for the time being entitled to exercise rights of common over the Common as provided in section 4 (Rights of common), section 5 (Restoration of extinguished rights of common) and section 33 (Disposals of rights of common) below;

“commoners' election” means an election held for the purpose of electing Commissioners under section 7(2)(h) (Establishment of Greenham and Crookham Common Commission) below;

“the Council” means West Berkshire District Council;

“the deposited map” means the map of Greenham and Crookham Common deposited as recited above;

“elected Commissioner” means a Commissioner elected under section 7(2) (h) (Establishment of Greenham and Crookham Common Commission) below;

“the election rules” means the provisions of Schedule 2 (Rules applicable to election of Commissioners) to this Act;

“fence” includes a wall, gate or stile;

“financial year”, in relation to the Commission, means the period beginning with the appointed day and ending with 31 March falling on or immediately after the anniversary of the appointed day and each subsequent period ending 31 March;

“functions” means duties and powers;

“Greenham and Crookham Common” has the meaning given in section 3 (Definition of Greenham and Crookham Common) below;

“highway” has the meaning given by section 328 of the Highways Act 1980 (c. 66);

“local authority” means a county council, a district council or a parish council;

“open-air recreation” does not include organised games;

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“regulate” includes “restrict” and related expressions shall be construed accordingly;

“relevant interest”, in relation to any land, means the legal fee simple in the land, a legal charge or mortgage of the land or a tenancy of the land granted or extended for a term of years certain of which at the time in question not less than three years remain unexpired;

“the returning officer” means the person for the time being discharging the duties of acting returning officer for the parliamentary constituency of Newbury for the purposes of section 28(1) of the Representation of the People Act 1983 (c. 2);

“site of special scientific interest” means an area of land notified under section 28(1) of the Wildlife and Countryside Act 1981 (c. 69).

- (2) In this Act, references to “the register” are references to the register required to be maintained under section 26 (Register to be maintained by Commission) below as the same is in force for the time being; and “registered” shall be construed accordingly.
- (3) For the purposes of this Act, a person—
- (a) shall be treated as being related to another if the person is the spouse, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the other;
  - (b) shall be deemed to be so related notwithstanding that the person is so related only though an illegitimacy or in consequence of an adoption; and
  - (c) shall be deemed to be the spouse of another, notwithstanding that they are not married to each other, if they are living together as a couple.