

**Changes to legislation:** Norfolk and Suffolk Broads Act 1988, Cross Heading: Common Land is up to date with all changes known to be in force on or before 23 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 3

#### FUNCTIONS OF AUTHORITY

#### PART II

#### MISCELLANEOUS FUNCTIONS

##### *Common Land*

- 38 (1) In relation to any registered common within the Broads which is not owned by, or vested in, a local authority and which is not a staithe, the Authority shall be treated as a local authority for the purposes of the following enactments—
- (a) section 1 of the <sup>M1</sup>Commons Act 1899 (scheme for regulation);
  - <sup>F1</sup>(b) .....
  - (c) section 23 of the <sup>M2</sup>Caravan Sites and Control of Development Act 1960 (power of district council to prohibit caravans on commons); and
  - (d) [<sup>F2</sup>section 45 of the Commons Act 2006 ] (protection of unclaimed common land).
- (2) No local authority shall exercise any of its functions under the enactments mentioned in sub-paragraph (1) above, in relation to any staithe which is within the Broads and which is registered as a common, except jointly with the Authority or with the Authority's consent.

#### Textual Amendments

- F1** Sch. 3 para. 38(1)(b) repealed (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, Sch. 6 Pt. 2 (with s. 60); S.I. 2007/2584, art. 2(d)(ii); S.I. 2012/739, art. 2(h)
- F2** Words in Sch. 3 para. 38(1)(d) substituted (20.2.2007 for E., 6.9.2007 for W.) by Commons Act 2006 (c. 26), s. 56, Sch. 5 para. 4 (with s. 60); S.I. 2007/456, art. 2(a)(i); S.I. 2007/2386, art. 3(o)(i)

#### Marginal Citations

- M1** 1899 c. 30.
- M2** 1960 c. 62.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(8A) inserted by [2008 c. 29 s. 224\(2\)\(b\)](#)