

*These notes refer to the Commons Act 2006 (c.26)
which received Royal Assent on 19 July 2006*

COMMONS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Miscellaneous

Commons Act 1899

Section 50 Schemes under the Commons Act 1899

222. Part 1 of the Commons Act 1899 enables a district council¹ or a National Park authority² to make a scheme for the regulation and management of a common³ in its area. A scheme must be made substantially in the form prescribed by the Secretary of State or National Assembly for Wales⁴. A scheme, once made, vests the management of the common in the authority. Under section 2 of the 1899 Act, a draft scheme made in accordance with that section may be approved by the authority unless either the owner of the common or one-third in value of those having interests in the common object.
223. [Section 50](#) amends Part I of the 1899 Act so as to update and broaden the purpose for which a scheme may be made (*subsection (2)*), to confer additional powers in prescribing model schemes (*subsections (4) and (5)*), to enable regulations to clarify the circumstances in which a scheme may be amended or revoked (*subsection (6)*), and to update the power conferred on the authority to make byelaws in relation to a scheme (*subsection (7)*).

1 A district council includes in England, a unitary authority; and in Wales, it includes a county or county borough council, see section 17 of the Local Government (Wales) Act 1994.

2 See paragraph 1 of Schedule 9 to the Environment Act 1995.

3 Including any town or village green (see section 15 of the 1899 Act).

4 For the current prescribed schemes, see the [Commons \(Schemes\) Regulations 1982 \(SI 1982/209\)](#) and the [Commons \(Schemes\) \(Welsh Forms\) Regulations 1982 \(SI 1982/667\)](#).