



# Commons Act 2006

## 2006 CHAPTER 26

### PART 4

#### MISCELLANEOUS

#### *Commons Act 1899*

#### **50 Schemes under the Commons Act 1899**

- (1) The Commons Act 1899 (c. 30) is amended as follows.
- (2) In section 1 (power of councils to make schemes for the regulation of commons)—
  - (a) in subsection (1), for the words from “their district” to the end substitute “in the public interest”;
  - (b) after that subsection insert—

“(1A) In subsection (1), the reference to the public interest includes the public interest in—

    - (a) nature conservation;
    - (b) the conservation of the landscape;
    - (c) the protection of public rights of access to any area of land; and
    - (d) the protection of archaeological remains and features of historic interest.”
- (3) In that section, in subsection (3), omit the words from “, and for” to the end.
- (4) In that section, after subsection (3) insert—

“(4) Regulations under subsection (3) may—

  - (a) prescribe alternative forms;
  - (b) permit exceptions or modifications to be made to any prescribed form.”

(5) In section 2 (procedure for making scheme)—

(a) for subsections (1) to (3) and the first paragraph of subsection (4) substitute—

“(1) A council is to make and approve a scheme under this Part of this Act in the prescribed manner.”;

(b) renumber the second paragraph of subsection (4) as subsection (2).

(6) For section 9 (power to amend scheme) substitute—

**“9 Power to amend or revoke scheme**

(1) A scheme under this Part of this Act for any common may, in prescribed circumstances, be amended in the prescribed manner.

(2) A scheme under this Part of this Act for any common may, where a new scheme is made under this Part of this Act for the whole of that common, be revoked in the prescribed manner.”

(7) For section 10 (byelaws) substitute—

**“10 Byelaws**

(1) A council which has made a scheme under this Part of this Act in relation to any common may make byelaws for the prevention of nuisances and the preservation of order on the common.

(2) Sections 236 to 238 of the Local Government Act 1972 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding level 2 on the standard scale, and provide for the proof of byelaws in legal proceedings) apply to all byelaws under this section.”