



Commons Act 2006

2006 CHAPTER 26

PART 3

WORKS

42 Schemes

- (1) This section applies in relation to works on relevant land where, by virtue of section 38(1), the works may not be carried out without the consent of the appropriate national authority.
- (2) In subsection (1) “relevant land” means land which is subject to—
 - (a) a scheme under the Metropolitan Commons Act 1866 (c. 122) which is in force at the commencement of this section; or
 - (b) a scheme under the Commons Act 1899 (c. 30) which is in force at the commencement of this section.
- (3) Where—
 - (a) any provision of the scheme referred to in subsection (2) would also prohibit the carrying out of the works, and
 - (b) the scheme does not allow for any person to consent to the works to be carried out,the works do not contravene that provision if they are carried out with (and in accordance with the terms of) the consent of the appropriate national authority under section 38(1) and of any owner of the land (if not the person carrying out the works).
- (4) Regulations may make provision as to the procedure to be followed in obtaining the consent of an owner under subsection (3) (and may include provision for the consent of an owner to be regarded as having been given where he has not objected within a period of time specified in the regulations).
- (5) Where any provision of the scheme referred to in subsection (2) would also prohibit the carrying out of the works without the consent of the appropriate national authority—

Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Section 42. (See end of Document for details)

- (a) consent given under section 38(1) is to be regarded as consent given under the scheme; and
- (b) consent may not be sought separately under the scheme.

Commencement Information

- I1** S. 42 not in force at Royal Assent see s. 56(1); s. 42(4) in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386, art. 2](#); s. 42 in force for E. at 1.10.2007 by [S.I. 2007/2584, art. 2](#)
- I2** S. 42(1)-(3) (5) in force at 1.4.2012 for W. by [S.I. 2012/739, art. 2\(f\)](#)
- I3** S. 42(4) in force at 1.4.2012 for W. in so far as not already in force by [S.I. 2012/739, art. 3\(d\)](#)

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