

1966 No. 96

COMMON, ENGLAND

The Commons Rules 1966

Made - 28th January 1966
Coming into Operation 1st February 1966

The Minister of Land and Natural Resources in exercise of his powers under section 1 of the Commons Act 1908(a) and of all other powers enabling him in that behalf hereby makes the following Rules:—

Title and commencement

1. These Rules may be cited as the Commons Rules 1966 and shall come into operation on 1st February 1966.

Interpretation

2.—(1) In these Rules:—

“ the Act ” means the Commons Act 1908 ;

“ meeting ” means a meeting for the purposes of the Act ;

“ the Minister ” means the Minister of Land and Natural Resources.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Value of Interest

3. The value of the interest of any person for the time being entitled to turn out animals on a common shall for the purposes of the Act be ascertained as follows:—

(a) Where the interests of the several persons for the time being entitled to turn out animals on a common are defined by numbers or stints, the value of the interest of each such person shall be such numbers or stints.

(b)(i) Where the several persons for the time being entitled to turn out animals on a common are so entitled by reason of the occupation of land and the interests of such persons are not defined by numbers or stints then the value of the interest of each such person shall be measured by the acreage of the land by reason of the occupation of which he is so entitled, such acreage being taken to the nearest acre, no account being taken of half an acre.

(ii) In calculating the acreage of land for the purpose of subparagraph (i) above, areas of rough grazing shall be deemed to comprise one quarter only of the actual acreage thereof taken to the nearest acre, no account being taken of half an acre.

(c) In any other case, in such manner as the Minister shall think proper.

(a) 8 Edw. 7. c. 44.

(b) 52 & 53 Vict. c. 63.

Meetings

4. A meeting shall be convened by the Minister by a notice stating generally the object of the meeting and specifying the day (not being less than 21 clear days after the date of the notice), hour and place of the meeting and the notice shall be published in such manner and at such places as the Minister shall direct.

5.—(1) The persons entitled to vote at the meeting shall, before proceeding to any other business, by a majority in number appoint a Chairman, who may be one of their number or any other person who has signified his willingness to act in that capacity and who has previously been approved by the Minister for that purpose.

(2) The name of the person so appointed and the fact that he has been appointed Chairman shall be entered in the minutes and no resolution passed at the meeting shall be called in question on the ground of any invalidity in his appointment.

6. The Chairman may adjourn the meeting from time to time and from place to place as occasion may require. When a meeting is adjourned for more than seven days, notice of the adjourned meeting shall be given as in the case of an original meeting.

7. The Chairman shall make or cause to be made minutes of all proceedings and resolutions of the meeting, and shall sign such minutes and deliver them to the Minister, who may act on any such minutes without requiring further or other evidence as to any matter appearing therein.

8. At any meeting, if the Chairman shall be of opinion on a show of hands that a proposed resolution under the Act has or has not been passed by the required majority a declaration by him that the resolution has been carried or lost and an entry to that effect in the minutes of the proceedings of the meeting shall be conclusive evidence of the fact without proof of the number or value of the votes recorded in favour of or against such resolution, unless a poll is then demanded by one or more of the persons present at the meeting in person or by proxy or attorney and entitled to turn out animals on the common.

9. If a poll is demanded as aforesaid it shall be taken forthwith in such manner as the Chairman directs. There shall be entered in the minutes of the meeting the names and addresses of the persons voting (in person or by proxy or attorney) so as to show whether each vote is in favour of or against the resolution; the value of the votes cast in favour of or against the resolution calculated as prescribed by Rule 3 shall be determined by the Chairman at the meeting and the result of the poll shall be declared by the Chairman and entered in the minutes.

10. The Chairman may at his discretion require any vote to be taken by poll.

11. For the purposes of Rule 3 above the Chairman may at any time during the meeting require any person entitled to turn out animals on a common to give particulars in writing of the numbers or stints or, as the case may be, of the acreage of the land (distinguishing between rough grazing and the remainder of the land) by reason of the occupation of which such person is so entitled.

