

2014 No. 3026 (C. 128)

COMMONS, ENGLAND

**The Commons Act 2006 (Commencement No. 7, Transitional
and Savings Provisions) (England) Order 2014**

Made - - - - *11th November 2014*

The Secretary of State, in exercise of the powers conferred by sections 56(1) and 59(1) of the Commons Act 2006(a), makes the following Order.

Citation and application

1.—(1) This Order may be cited as the Commons Act 2006 (Commencement No. 7, Transitional and Savings Provisions) (England) Order 2014.

(2) This Order applies in relation to England.

Interpretation

2. In this Order—

“the 1965 Act” means the Commons Registration Act 1965(b);

“the 2006 Act” means the Commons Act 2006;

“the other registration areas” means the registration areas in England of all commons registration authorities that are neither part of the pilot areas nor part of the 2014 pilot areas;

“the pilot areas” means the registration areas in England, as at 1st October 2008, of the commons registration authorities specified in the Schedule to the Commons Act 2006 (Commencement No. 4 and Savings) (England) Order 2008(c); and

“the 2014 pilot areas” means the registration areas in England, as at 15th December 2014, of Cumbria County Council and North Yorkshire County Council.

Commencement of provisions

3.—(1) In relation to the 2014 pilot areas the following provisions of the 2006 Act come into force on 12th November 2014 so far as is required for the making of regulations under or in relation to any of them, and on 15th December 2014 for all other purposes—

(a) sections 1, 2 and 3;

(b) sections 6 to 8;

(c) sections 10 to 14;

(d) sections 18 to 21;

(a) 2006 c. 26; section 61(1) defines the “appropriate national authority” as the Secretary of State in relation to England.

(b) 1965 c. 64.

(c) S.I. 2008/1960 (C. 94).

- (e) section 22 and Schedule 2;
- (f) section 23 and Schedule 3 (to the extent that they are not already in force in relation to those areas);
- (g) Schedule 5, paragraph 3, and section 52 insofar as it relates to that paragraph;
- (h) Schedule 5, paragraphs 6 to 8 (to the extent that they are not already in force in relation to those areas), and section 52 insofar as it relates to those paragraphs;
- (i) the entry relating to the 1965 Act in Part 1 of Schedule 6 (repeals relating to registration) to the extent of repealing sections 1 to 3, 10 to 12, 13 (insofar as the repeal of section 13 has not already been commenced), 14 to 16 and 19 (insofar as the repeal of section 19 has not already been commenced), and section 53 insofar as it relates to that entry.

(2) In relation to the other registration areas and to the extent described in paragraph (3), the following provisions of the 2006 Act come into force on 12th November 2014 so far as is required for the making of regulations under or in relation to any of them and on 15th December 2014 for all other purposes—

- (a) section 3;
- (b) section 19, except for subsections (2)(b) to (e) and (4)(a);
- (c) sections 20 and 21; and
- (d) Schedule 2, paragraphs 1 and 6 to 10, and section 22 in so far as it relates to those paragraphs.

(3) The provisions in paragraph (2) are commenced only to the extent that they enable an application to any of the other registration areas to amend its register of common land or its register of town or village greens under—

- (a) section 19 of the 2006 Act, for the purpose given in section 19(2)(a) (correcting a mistake made by the registration authority in making or amending an entry in the register); or
- (b) Schedule 2 to the 2006 Act (non-registration or mistaken registration under the 1965 Act), paragraph 6, 7, 8 or 9.

Transitional provision

4.—(1) This article applies in relation to the other registration areas.

(2) Until the coming into force of section 1 of the 2006 Act in relation to any such area, the provisions commenced by article 3(2) and any regulations made under those provisions are to apply in relation to that area as if, in section 61(2)(b) of the 2006 Act, for the words “Part 1 of this Act” there were substituted “sections 1 and 3 of the Commons Registration Act 1965(a)”.

Savings

5.—(1) This article applies in relation to the 2014 pilot areas.

(2) Paragraph (3) applies where—

- (a) an application for the amendment of a register has been made to a commons registration authority before 15th December 2014, pursuant to regulations under section 13(c) of the 1965 Act; and
- (b) the commons registration authority has not determined the application before that date.

(3) The commons registration authority shall continue to deal with the application on and after 15th December 2014 as if section 13(c) of the 1965 Act had not been repealed.

(4) In relation to any amendment made to a register before 15th December 2014, section 14(b) of the 1965 Act continues to apply as if it had not been repealed.

(a) 1965 c. 64; section 1 was amended by paragraph 7(1) and (2) of Schedule 11 to the Land Registration Act 2002 (c. 9).

11th November 2014

de Mauley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 12th November 2014 for the purposes of making regulations, and on 15th December 2014 for all other purposes, in relation to the areas of Cumbria County Council and North Yorkshire County Council (in their capacity as commons registration areas under the Commons Act 2006 (c. 26)) the provisions of that Act specified in article 3(1).

This Order also brings into force the provisions of the Commons Act 2006 specified in article 3(2) and (3) in relation to all registration areas not being an original pilot area (that is: Blackburn with Darwen Borough Council, Cornwall County Council (now known as Cornwall Council), Devon County Council, County of Herefordshire District Council, Hertfordshire County Council, Kent County Council, and Lancashire County Council), Cumbria County Council nor North Yorkshire County Council.

The Order also contains transitional and savings provisions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Commons Act 2006 have been brought into force in relation to England by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1, 2 and 3 (pilot areas only)	1st October 2008	2008/1960
Sections 4 and 5	6th April 2007	2007/456
Sections 6 to 8 (pilot areas only)	1st October 2008	2008/1960
Sections 10 to 14 (pilot areas only)	1st October 2008	2008/1960
Section 15	6th April 2007	2007/456
Sections 16 and 17	1st October 2007	2007/2584
Sections 18 to 22 (pilot areas only)	1st October 2008	2008/1960
Section 23 (partially)	1st October 2006	2006/2504
Section 23 (remainder) (pilot areas only)	1st October 2008	2008/1960
Section 24	6th April 2007	2007/456
Sections 26 to 37 (areas in respect of which section 1 has been commenced only)	20th January 2010	2010/61
Sections 26 to 37 (areas in respect of which section 1 is not yet in force)	1st December 2010	2010/2356
Sections 38 to 43	1st October 2007	2007/2584
Sections 44(1) (partially)	1st October 2006	2006/2504
Section 45	1st October 2006	2006/2504

Section 46	1st October 2008	2008/1960
Section 47	1st October 2006	2006/2504
Section 48	1st October 2007	2007/2564
Section 49	1st October 2006	2006/2504
Section 51	1st October 2006	2006/2504
Section 52 (partially)	1st October 2006	2006/2504
Ditto	20th February 2007	2007/456
Ditto	31st October 2011	2011/2460
Ditto (pilot areas only)	31st October 2011	2011/2460
Section 53 (partially)	1st October 2006	2006/2504
Ditto	6th April 2007	2007/456
Ditto	1st October 2007	2007/2584
Ditto (pilot areas only)	1st October 2008	2008/1960
Ditto	1st December 2010	2010/2356
Schedule 2 (pilot areas only)	1st October 2008	2008/1960
Schedule 3, paragraph 9	1st October 2006	2006/2504
Schedule 3 (remainder) (pilot areas only)	1st October 2008	2008/1960
Schedule 4, paragraph 6	1st October 2006	2006/2504
Schedule 4, (remainder)	1st October 2007	2007/2584
Schedule 5, paragraphs 1 and 2	31st October 2011	2011/2460
Schedule 5, paragraph 3 (pilot areas only)	31st October 2011	2011/2460
Schedule 5, paragraph 4	20th February 2007	2007/456
Schedule 5, paragraph 5	31st October 2011	2011/2460
Schedule 5, paragraph 6 (partially)	20th February 2007	2007/456
Schedule 5, paragraph 6 (remainder) (pilot areas only)	31st October 2011	2011/2460
Schedule 5, paragraph 7 (partially)	1st October 2006	2006/2504
Schedule 5, paragraph 7 (remainder) (pilot areas only)	31st October 2011	2011/2460
Schedule 5, paragraph 8 (pilot areas only)	31st October 2011	2011/2460
Schedule 6, Part 1 (partially)	1st October 2006	2006/2504
Ditto	6th April 2007	2007/456
Ditto (pilot areas only)	1st October 2008	2008/1960
Ditto	1st December 2010	2010/2356
Schedule 6, Part 2 (partially)	1st October 2006	2006/2504
Schedule 6, Part 2 (remainder)	1st October 2007	2007/2584
Schedule 6, Part 3 (partially)	1st October 2006	2006/2504
Schedule 6, Part 3 (remainder)	1st October 2007	2007/2584
Schedule 6, Part 5	1st October 2007	2007/2584

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