
WELSH STATUTORY INSTRUMENTS

2017 No. 933 (W. 227) (C. 80)

COMMONS, WALES

The Commons Act 2006 (Commencement
No. 5 and Transitional Provisions (Wales) and
Commencement No. 4 (Wales) (Amendment)) Order 2017

Made - - - - 18 September 2017

The Welsh Ministers make the following Order in exercise of the powers conferred upon the appropriate national authority by sections 56(1) and 59(1) of the Commons Act 2006(1):

Title, interpretation and application

1.—(1) The title of this Order is the Commons Act 2006 (Commencement No. 5 and Transitional Provisions (Wales) and Commencement No. 4 (Wales) (Amendment)) Order 2017.

(2) In this Order—

“the 1965 Act” (“*Deddf 1965*”) means the Commons Registration Act 1965(2); and

“the 2006 Act” (“*Deddf 2006*”) means the Commons Act 2006.

(3) This Order applies in relation to Wales.

Provisions coming into force

2. The following provisions of the 2006 Act come into force on 20 September 2017—

(a) section 20(1) (inspection); and

(b) section 21(1) (official copies).

Provisions coming into force for all remaining purposes

3. The following provisions of the 2006 Act come into force for all remaining purposes on 20 September 2017—

(a) section 20(2) and (3) (inspection); and

(b) section 21(2) and (3) (official copies).

(1) 2006 c. 26; section 61(1) was amended by Schedule 7, paragraph 9 of the Planning (Wales) Act 2015 (anaw 4), and defines “appropriate national authority” as the Welsh Ministers in relation to Wales.

(2) 1965 c. 64.

Transitional provisions

4.—(1) In relation to any area in Wales, references in sections 20(1) and 21(1) of the 2006 Act to a register of common land or town or village greens are, until the coming into force of section 1 of the 2006 Act in relation to that area, to be taken as references to such a register maintained under sections 1 and 3 of the 1965 Act.

(2) In relation to any area in Wales, sections 20 and 21 of the 2006 Act and any regulations made under those provisions are, until the coming into force of section 1 of the 2006 Act in relation to that area, to apply 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”.

Amendment of the Commons Act 2006 (Commencement No. 4) (Wales) Order 2017

5.—(1) With effect from 20 September 2017, the Commons Act 2006 (Commencement No. 4) (Wales) Order 2017(3) is amended as follows.

(2) After article 3 add—

“Extension of application of sections 19 and 22 of, and Schedule 2 to, the 2006 Act

4.—(1) In relation to any area in Wales, references in sections 19 and 22 of, and Schedule 2 to, the 2006 Act and any regulations made under those provisions, to a register of common land or town or village greens are, until the coming into force of section 1 of the 2006 Act in relation to that area, to be taken as references to such a register maintained under sections 1 and 3 of the 1965 Act.

(2) In relation to any area in Wales, sections 19 and 22 of, and Schedule 2 to, the 2006 Act and any regulations made under those provisions, are, until the coming into force of section 1 of the 2006 Act in relation to that area, to apply 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”.

18 September 2017

Lesley Griffiths
Cabinet Secretary for Environment and Rural
Affairs, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 brings sections 20(1) and 21(1) of the Commons Act 2006 (“the 2006 Act”) into force in relation to Wales. Article 3 brings the remainder of sections 20 and 21 of the 2006 Act fully into force in relation to Wales. These sections make provision for the inspection of the registers of common land and town and village greens held by commons registration authorities in Wales, and other documents, and for the production of official copies. Article 4 contains transitional provisions.

The Order also amends the Commons Act 2006 (Commencement No. 4) (Wales) Order 2017 ([S.I. 2017/564 \(W. 133\) \(C. 51\)](#)) so as to extend the application of sections 19 and 22 of, and Schedule 2 to, the 2006 Act. Sections 19 and 22 of, and Schedule 2 to, the 2006 Act relate to the correction of registers and to non-registration or mistaken registration under the 1965 Act. By virtue of this amendment, the commencement of sections 19 and 22 of, and Schedule 2 to, the 2006 Act is extended to any area in Wales where, until such time as section 1 of the 2006 Act is commenced in respect of it, registration is still effected under the Commons Registration Act 1965. This extension of the application of sections 19 and 22 of, and Schedule 2 to, the 2006 Act has effect from 20 September 2017.

Further information on the provisions brought into force by this Order can be found in the Explanatory Notes to the 2006 Act, which can be viewed at www.legislation.gov.uk.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 3(5) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 4	6 September 2007	2007/2386 (W. 197) (C. 88)
Section 5	6 September 2007	2007/2386 (W. 197) (C. 88)
Section 6(4) – for certain purposes	12 August 2007	2007/238 (W. 197) (C. 88)
Section 7(4) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 8(1), (2) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 11(5), (6) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 12(a) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 13(1)(a) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 14 – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 15	6 September 2007	2007/2386 (W. 197) (C. 88)
Section 16	1 April 2012	2012/739 (W. 99) (C. 19)
Section 17(1) to (2) and (4) to (9)	1 April 2012	2012/739 (W. 99) (C. 19)
Section 17(3), (10) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 17(3), (10) – so far as not already in force	1 April 2012	2012/739 (W. 99) (C. 19)
Section 19(1) to (5) and (7)	5 May 2017	2017/564 (W. 133) (C. 51)
Section 19(6) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 19(6) – so far as not already in force	5 May 2017	2017/564 (W. 133) (C. 51)
Section 20(2), (3) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 21(2), (3) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 22 – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 22 – so far as not already in force	5 May 2017	2017/564 (W. 133) (C. 51)
Section 23 – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 23 – for certain purposes	6 September 2007	2007/2386 (W. 197) (C. 88)
Section 24 – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 24	6 September 2007	2007/2386 (W. 197) (C. 88)
Section 25 – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 29(1), (6) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 31(6)(a) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 38	1 April 2012	2012/739 (W. 99) (C. 19)
Section 39(1) to (5) and (7)	1 April 2012	2012/739 (W. 99) (C. 19)
Section 39(6) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 39(6) – so far as not already in force	1 April 2012	2012/739 (W. 99) (C. 19)
Section 40 – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 40 – so far as not already in force	1 April 2012	2012/739 (W. 99) (C. 19)
Section 41	1 April 2012	2012/739 (W. 99) (C. 19)
Section 42(1) to (3) and (5)	1 April 2012	2012/739 (W. 99) (C. 19)
Section 42(4) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 42(4) – so far as not already in force	1 April 2012	2012/739 (W. 99) (C. 19)
Section 43 – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 43 – so far as not already in force	1 April 2012	2012/739 (W. 99) (C. 19)
Section 44 – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 44 - for certain purposes	6 September 2007	2007/2386 (W. 197) (C. 88)
Section 44 – so far as not already in force	1 April 2012	2012/739 (W. 99) (C. 19)
Section 45	6 September 2007	2007/2386 (W. 197) (C. 88)
Section 46	1 April 2012	2012/806 (W. 113) (C. 21)
Section 47	6 September 2007	2007/2386 (W. 197) (C. 88)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 48	1 April 2012	2012/739 (W. 99) (C. 19)
Section 49	6 September 2007	2007/2386 (W. 197) (C. 88)
Section 50(1), (4) to (6) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Section 51	6 September 2007	2007/2386 (W. 197) (C. 88)
Section 52 – for certain purposes	6 September 2007	2007/2386 (W. 197) (C. 88)
Section 53 – for certain purposes	6 September 2007	2007/2386 (W. 197) (C. 88)
Section 53 – for certain purposes	1 December 2010	2010/2356 (C. 114)
Section 53 – for certain purposes	1 April 2012	2012/739 (W. 99) (C. 19)
Schedule 2, paragraphs 2(2)(d) and (3), 3(2)(e) and (3), 4(6), 5(3), 6(3), 7(3), 8(3), 9(4) and 10 – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Schedule 2, paragraphs 2(2)(d) and (3), 3(2)(e) and (3), 4(6), 5(3), 6(3), 7(3), 8(3), 9(4) and 10 – so far as not already in force	5 May 2017	2017/564 (W. 133) (C. 51)
Schedule 2, paragraphs 1, 2(1) and (2)(a) to (c), 3(1) and (2)(a) to (d), 4(1) to (5), 5(1), 5(2), 6(1), 6(2), 7(1), 7(2), 8(1), 8(2) and 9(1) to (3)	5 May 2017	2017/564 (W. 133) (C. 51)
Schedule 3, paragraphs 2(1), (5) and (6), 4, 5, 8(2) and (3) – for certain purposes	12 August 2007	2007/2386 (W. 197) (C. 88)
Schedule 3, paragraph 9	6 September 2007	2007/2386 (W. 197) (C. 88)
Schedule 4, paragraph 6	6 September 2007	2007/2386 (W. 197) (C. 88)
Schedule 4, so far as not already in force	1 April 2012	2012/739 (W. 99) (C. 19)
Schedule 5, paragraphs 4, 6(a), 7(1)(in part) and (5)	6 September 2007	2007/2386 (W. 197) (C. 88)
Schedule 6, Part 1 in part	6 September 2007	2007/2386 (W. 197) (C. 88)
Schedule 6, Part 1 in part	1 December 2010	2010/2356 (C. 114)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 6, Part 2 in part	6 September 2007	2007/2386 (W. 197) (C. 88)
Schedule 6, Part 3 in part	6 September 2007	2007/2386 (W. 197) (C. 88)
Schedule 6, Part 5	6 September 2007	2007/2386 (W. 197) (C. 88)
Schedule 6, Parts 2, 3 and 5, so far as not already in force	1 April 2012	2012/739 (W. 99) (C. 19)

The following Commencement Order has been made under the 2006 Act by the Secretary of State in relation to England and by the Welsh Ministers in relation to Wales—

The Commons Act 2006 (Commencement No. 1 and Savings (England and Wales) and Commencement No. 5 (England) (Amendment)) Order 2010 ([S.I. 2010/2356](#)) [\(C. 114\)](#)

The following Commencement Orders have been made under the 2006 Act by the Secretary of State in relation to England—

The Commons Act 2006 (Commencement No. 1, Transitional Provisions and Savings) (England) Order 2006 ([S.I. 2006/2504](#)) [\(C. 84\)](#)

The Commons Act 2006 (Commencement No. 2, Transitional Provisions and Savings) (England) Order 2007 ([S.I. 2007/456](#)) [\(C. 17\)](#)

The Commons Act 2006 (Commencement No. 3, Transitional Provisions and Savings) (England) Order 2007 ([S.I. 2007/2584](#)) [\(C. 98\)](#)

The Commons Act 2006 (Commencement No. 4 and Savings) (England) Order 2008 ([S.I. 2008/1960](#)) [\(C. 94\)](#)

The Commons Act 2006 (Commencement No. 5) (England) Order 2010 ([S.I. 2010/61](#)) [\(C. 10\)](#)

The Commons Act 2006 (Commencement No. 6) (England) Order 2011 ([S.I. 2011/2460](#)) [\(C. 88\)](#)

The Commons Act 2006 (Commencement No. 7, Transitional and Savings Provisions) (England) Order 2014 ([S.I. 2014/3026](#)) [\(C. 128\)](#)

See also section 56 of the Commons Act 2006 for the provisions that come into force other than by way of commencement order.