



Greenham and Crookham Commons Act 2002

2002 CHAPTER i

An Act to restore land at and in the vicinity of the Greenham and Crookham Commons as common land open to the public; to make provision for the conservation of the natural beauty of that land; to grant public access over that land in perpetuity and to make provision with respect to that public access; to restore and extend commoners' rights over that land; to constitute the Greenham and Crookham Common Commission for the management of that land; to confer powers on the West Berkshire District Council and on that Commission with respect to that land; and for connected and other purposes.

[1st May 2002]

WHEREAS—

- (1) The lands known as Greenham Common and Crookham Common in the district of West Berkshire were prior to the Second World War subject to rights of common and open to the public:
- (2) In 1939 Newbury Borough Council (“the Borough Council”) purchased Greenham Common for use as an open recreational area for the people of Newbury subject to subsisting rights of common over the land:
- (3) In 1941 Greenham Common was requisitioned by the Government for military purposes in connection with the national defence:
- (4) Following the end of the Second World War Greenham Common was de-requisitioned in 1947 but in 1951 was re-requisitioned by the Secretary of State for defence purposes:
- (5) In 1961, in anticipation of compulsory purchase proceedings by the Secretary of State, the Borough Council disposed of most of Greenham Common to the Secretary of State subject to any subsisting rights of common, and retained the remainder of Greenham Common:
- (6) In the 1950s and 1960s the Secretary of State acquired the whole of Crookham Common and other adjoining areas of land for defence purposes and, subsequently, most of that land and the land at Greenham Common acquired by the Secretary of State as mentioned above was fenced against the public by the Secretary of State and used as the Greenham Common Airbase:

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- (7) In 1982 the Secretary of State sold land at Crookham Common outside the perimeter fence of the Greenham Common Airbase to Newbury District Council (“the Council”), the statutory successor to the Borough Council:
- (8) On 26 July 1983 the Council made a Scheme of Management under the Commons Act 1899 (c. 30) in respect of those parts of Greenham Common and Crookham Common then in their ownership and on 10 August 1983 the Council made byelaws under that Act of 1899 in respect of that land which byelaws were confirmed by the Secretary of State on 7 November 1983 (“the 1983 Scheme and Byelaws”):
- (9) Greenham Common and Crookham Common were registered as common land pursuant to the Commons Registration Act 1965 (c. 64) and rights of common over that land were registered under that Act:
- (10) The rights of common so registered in respect of those parts of Greenham Common then vested in the Secretary of State were extinguished in 1991 under the Defence Acts 1842 (c. 94), 1854 (c. 67) and 1859 (c. 12) and the Lands Clauses Consolidation Act 1845 (c. 18):
- (11) The rights of common registered in respect of those parts of Crookham Common formerly vested in the Secretary of State and enclosed by the perimeter fence of the Airbase as mentioned above have not been extinguished but have not been capable of being exercised since the land became vested in the Secretary of State:
- (12) The land at or in the vicinity of Greenham and Crookham Commons is no longer required for defence purposes except for three parcels of land which are retained by the Secretary of State to facilitate inspections pursuant to the Intermediate Range Nuclear Forces Treaty 1987 (“the IRNF Treaty”):
- (13) In 1997 the Secretary of State transferred to the Council all the land at or in the vicinity of Greenham and Crookham Commons then in the ownership of the Secretary of State except for certain land which was transferred to the Greenham Common Community Trust, a company limited by guarantee and registered under that name, and the three parcels of land mentioned above:
- (14) In addition, the Secretary of State has granted the Council an option to purchase one of the retained parcels of land (being the land cross-hatched black on the map deposited as mentioned below) at such date as the land may cease to be subject to the IRNF Treaty:
- (15) On 1 April 1998 the name of the Council was changed from Newbury District Council to West Berkshire District Council:
- (16) The outcome of the events since 1939 which are set out above is that most, though not all, of the lands forming Greenham and Crookham Commons are, with adjacent land, now in the ownership of the Council (“the Council’s land”); and of the Council’s land, part is subject to rights of common and regulated by the 1983 Scheme and Byelaws, part is subject to rights of common which have not been capable of being exercised for many years and the remainder is not subject to rights of common (because such rights have been extinguished as mentioned in paragraph (10) above or because such rights were not registered as required by the Commons Registration Act 1965 (c. 64) or because such rights have never existed):
- (17) Greenham Common and Crookham Common together comprise a site of local, regional and national significance on ecological, cultural and historical grounds, and parts of that land have been designated as a site of special scientific interest:
- (18) It is for the public benefit that the Council’s land be restored and conserved as common land for the recreation of the local inhabitants and other members of the public, that the exercise of commoners’ grazing and other rights on the land be enabled and that conservation and educational activities on the land be encouraged:
- (19) It is desirable that the public be afforded a right of access to the Council’s land as by this Act provided:

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- (20) To secure the conservation of the natural beauty and good management of the Council's land, it is expedient that that land be managed as a single entity, that there should be constituted a Commission to be called the Greenham and Crookham Common Commission and that there be conferred on the Council and on the Commission powers relating to the Council's land as by this Act provided:
- (21) It is expedient that the other provisions contained in this Act should be enacted:
- (22) A map showing the land to which the provisions of this Act apply has been deposited at the Office of the Clerk of the Parliaments, House of Lords, the Private Bill Office of the House of Commons, the Department of the Environment, Transport and the Regions and the office of the Chief Executive of the Council:
- (23) The objects of this Act cannot be attained without the authority of Parliament:
- (24) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 (c. 70) have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—