



# Greenham and Crookham Commons Act 2002

## 2002 CHAPTER i

### PART 4

#### CONSERVATION OF COMMON

#### 23 Regulations as to management of commoners' rights

- (1) The Commission may, with the prior approval of the Council, make regulations to secure the good management of the Common as respects the exercise of rights of common and the good husbandry of animals grazed on the Common.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may make provision—
  - (a) modifying or restricting the exercise on the Common of any rights of turbary, estovers or taking sand, gravel, stone, clay or otherwise interfering with the soil so far as the Commission may think necessary to protect the Common, including provision restricting the exercise of any such rights to specified parts of the Common;
  - (b) to ensure the good husbandry and maintenance of the health of all animals grazed on the Common;
  - (c) to ensure that the Common is not over grazed;
  - (d) to ensure that all animals grazed on the Common are from their introduction duly hefted or flocked and that their ownership may be identified by means of a mark, tag or other method;
  - (e) to control or exclude stallions, rams, bulls or other male entire animals which are commonable and to prescribe, or provide for prescribing, conditions (as to time or as to the class, description, age or characteristics of animals) under which male entire animals which are commonable may be grazed on the Common;

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- (f) to ensure that any dead commonable animal is, whenever reasonably practicable, removed from the Common as soon as possible after its death has occurred;
  - (g) to exclude from grazing on the Common shod horses or ponies and other animals not entitled to be on the Common or any animal which, in the opinion of the Commission, either has become unthrifty or is in such a condition that to allow it to remain grazed on the Common would be likely to cause it unnecessary suffering;
  - (h) to regulate or prohibit the burning of heather, gorse, grass and bracken on the Common;
  - (i) to exclude from grazing on the Common, for such periods as appear reasonably necessary, all animals, or animals of a particular description, where the Commission is satisfied that such exclusion is necessary for the maintenance of the Common or for the promotion of proper standards of livestock husbandry;
  - (j) generally to regulate the exercise of rights of common of all kinds and rights or privileges having a similar subject matter as rights of common (including rights of grazing deriving otherwise than from rights of common) over the Common;
  - (k) to prohibit the use of the Common for grazing or other uses having a similar subject matter as rights of common by persons purporting to exercise rights in excess of their entitlement or by persons not entitled to such rights either as commoners or otherwise.
- (3) Regulations made under subsection (2)(c) above may fix or provide for the fixing, for each financial year, of the number of animals or animals of any description which from time to time may be grazed on the Common by virtue of a right of common or of any other right or privilege; and any such regulation—
- (a) shall, so far as is reasonably practicable, impose on all holders of the like rights or privileges a proportionately similar variation;
  - (b) shall not reduce the entitlement of a commoner to graze animals on the Common so as, in any circumstances, to preclude the grazing of two or less animals; and
  - (c) shall provide that a person aggrieved by the reduction of the number of animals which may be grazed by that person on any part of the Common shall have a right of appeal to an arbitrator who shall be appointed in such manner and on such terms as may be provided by the regulations.
- (4) Regulations under this section shall not—
- (a) except as provided in subsection (2)(i) above, prevent rights of pasturage being exercised over any part of the Common;
  - (b) impose restrictions or obligations respecting the exercise of any such rights or other rights or privileges, so as to discriminate between rights of the same class or character;
  - (c) increase the number of animals which a commoner may graze on the Common to a number exceeding that recorded in the register maintained under the 1965 Act as the entitlement in respect of the right which he exercises.
- (5) Regulations under this section may make provision—
- (a) for the detention by any person authorised by the Commission of any animal found on the Common in contravention of the regulations;

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- (b) for the recovery by the Commission of the cost of such detention including the cost of the animal's proper maintenance and of any reasonably necessary treatment for it; and
  - (c) for the sale of the animal by the Commission subject to compliance with such conditions as to the giving of notice to the owner of the animal (if it is known to whom it belongs) and otherwise, as may be prescribed in the regulations; and
  - (d) for the recovery by the Commission of the cost of removing any dead commonable animal under regulations made under subsection (2)(f) above.
- (6) Regulations under this section may—
- (a) make provision that a person contravening the regulations shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale; and
  - (b) may be made so as to relate—
    - (i) either to the whole or to any part of the Common;
    - (ii) not only to the Common but also to any additional open space (or any part of such space) which is used for the exercise of any such rights and privileges as are mentioned in subsection (2)(j) above;
    - (iii) to any land which is subject to an agreement made under section 21(3)(b) (Functions of Commission) above where that agreement provides that regulations may apply to that land so as to bind the persons who entered into the agreement, their successors in title or any person deriving title under them;and may make different provision for different cases and in relation to different parts of such land.