



Commons Act 2006

2006 CHAPTER 26

PART 2

MANAGEMENT

Commons councils

26 Establishment

- (1) The appropriate national authority may, for any area or areas of land to which this section applies, establish a body corporate to carry out functions conferred under this Part.
- (2) This section applies to any land that—
 - (a) is registered as common land; or
 - (b) is registered as a town or village green and is subject to rights of common.
- (3) A body corporate established under this section is to be known as a “commons council”.
- (4) A commons council is to be established by order.
- (5) An order establishing a commons council must specify—
 - (a) the name of the council;
 - (b) the area or areas of land for which the council is established.

27 Procedure for establishment

- (1) This section applies where the appropriate national authority proposes to make an order under section 26 establishing a commons council.
- (2) The appropriate national authority must—
 - (a) publish a draft of the proposed order in such manner as it thinks fit; and
 - (b) invite representations about it.

Status: This is the original version (as it was originally enacted).

- (3) The appropriate national authority may cause a local inquiry to be held.
- (4) The appropriate national authority may not make the proposed order unless, having regard to—
 - (a) any representations received pursuant to subsection (2)(b), and
 - (b) the result of any local inquiry held under subsection (3),it is satisfied that there is substantial support for the making of the order.
- (5) For the purposes of subsection (4) the appropriate national authority must have particular regard to representations received pursuant to subsection (2)(b) from—
 - (a) persons having rights (other than rights of common) in relation to, or occupying, land specified in the draft order;
 - (b) persons who are entitled to exercise rights of common (and in particular persons exercising rights of common) over any such land; and
 - (c) persons with functions under an enactment which relate to the maintenance or management of any such land.