



Commons Act 2006

2006 CHAPTER 26

PART 4

MISCELLANEOUS

Commons Act 1899

50 Schemes under the Commons Act 1899

- (1) The Commons Act 1899 (c. 30) is amended as follows.
- (2) In section 1 (power of councils to make schemes for the regulation of commons)—
 - (a) in subsection (1), for the words from “their district” to the end substitute “ in the public interest ”;
 - (b) after that subsection insert—

“(1A) In subsection (1), the reference to the public interest includes the public interest in—

 - (a) nature conservation;
 - (b) the conservation of the landscape;
 - (c) the protection of public rights of access to any area of land; and
 - (d) the protection of archaeological remains and features of historic interest.”
- (3) In that section, in subsection (3), omit the words from “, and for” to the end.
- (4) In that section, after subsection (3) insert—

“(4) Regulations under subsection (3) may—

 - (a) prescribe alternative forms;
 - (b) permit exceptions or modifications to be made to any prescribed form.”

Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Cross Heading: Commons Act 1899. (See end of Document for details)

- (5) In section 2 (procedure for making scheme)—
- (a) for subsections (1) to (3) and the first paragraph of subsection (4) substitute—
“(1) A council is to make and approve a scheme under this Part of this Act in the prescribed manner.”;
 - (b) renumber the second paragraph of subsection (4) as subsection (2).
- (6) For section 9 (power to amend scheme) substitute—

“9 Power to amend or revoke scheme

- (1) A scheme under this Part of this Act for any common may, in prescribed circumstances, be amended in the prescribed manner.
 - (2) A scheme under this Part of this Act for any common may, where a new scheme is made under this Part of this Act for the whole of that common, be revoked in the prescribed manner.”
- (7) For section 10 (byelaws) substitute—

“10 Byelaws

- (1) A council which has made a scheme under this Part of this Act in relation to any common may make byelaws for the prevention of nuisances and the preservation of order on the common.
- (2) Sections 236 to 238 of the Local Government Act 1972 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding level 2 on the standard scale, and provide for the proof of byelaws in legal proceedings) apply to all byelaws under this section.”

Commencement Information

- II** S. 50 partly in force; s. 50 not in force at Royal Assent see s. 56(1); s. 50(1)(4)-(6) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2

Changes to legislation:

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Commons Act 1899.