



# Commons Act 2006

## 2006 CHAPTER 26

### PART 2

#### MANAGEMENT

##### *Functions of commons councils*

#### **34 Enforcement of rules**

- (1) A person who breaches a rule to which subsection (2) applies is guilty of an offence.
- (2) This subsection applies to a rule which—
  - (a) is made with the consent of the appropriate national authority pursuant to a function of making rules conferred on a commons council under section 31; and
  - (b) specifies that a person who contravenes it is guilty of an offence under this section.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to—
  - (a) a fine not exceeding level 4 on the standard scale; and
  - (b) in the case of a continuing offence, to a further fine not exceeding one half of level 1 on the standard scale for each day during which the offence continues after conviction.
- (4) A commons council may bring proceedings in relation to an offence under subsection (1) in respect of breach of any rule made by it to which subsection (2) applies.
- (5) A commons council may apply to <sup>F1</sup>the county court for an order to secure compliance with any rule that it has made pursuant to a function of making rules conferred on it under section 31.
- (6) But a commons council may only make an application under subsection (5) for the purpose of securing compliance with a rule to which subsection (2) applies if it is of

---

*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Section 34. (See end of Document for details)*

---

the opinion that proceedings for an offence under subsection (1) would provide an ineffectual remedy against the person who has failed to comply with the rule.

- (7) On an application under subsection (5) the court may make such an order as it thinks fit.

---

#### **Textual Amendments**

- F1** Words in s. 34(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

---

#### **Commencement Information**

- I1** S. 34 in force at 20.1.2010 for E. by [S.I. 2010/61](#), art. 2 (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Commons Act 2006, Section 34.