



Commons Act 2006

2006 CHAPTER 26

PART 3

WORKS

39 Consent: general

- (1) In determining an application for consent under subsection (1) of section 38 in relation to works on land to which that section applies, the appropriate national authority shall have regard to—
 - (a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
 - (b) the interests of the neighbourhood;
 - (c) the public interest;
 - (d) any other matter considered to be relevant.
- (2) The reference in subsection (1)(c) 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) Consent may be given under section 38(1)—
 - (a) in relation to all or part of the proposed works;
 - (b) subject to such modifications and conditions relating to the proposed works as the appropriate national authority thinks fit.
- (4) In considering the effect in relation to any land of proposed works under this section, the appropriate national authority may consider that effect in conjunction with the effect in relation to that land of any other works for which consent has previously been given under section 38(1) above or section 194 of the Law of Property Act 1925 (c. 20).

Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Section 39. (See end of Document for details)

- (5) Where the appropriate national authority imposes any modification or condition in relation to any consent given under section 38(1), it may on the application of any person carrying out or proposing to carry out works in accordance with the consent vary or revoke that modification or condition.
- (6) Regulations may specify a time limit for the making of applications under subsection (5).
- (7) Consent may be given under section 38(1) in relation to works which have been commenced or completed; and any consent so given has effect from the time of commencement of the works.

Modifications etc. (not altering text)

- C1** S. 39 applied by 1971 c. vi s. 23(2A) (as inserted (1.10.2007 for E., 1.4.2012 for W.) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 4 para. 4\(3\)](#) (with s. 60); S.I. 2007/2584, [art. 2\(d\)\(i\)](#); S.I. 2012/739, [art. 2\(h\)\(i\)](#) (with [art. 4\(5\)](#)))
- C2** S. 39 applied by 1967 c. xxix, Sch. art. 12(2A) (as inserted (1.10.2007 for E., 1.4.2012 for W.) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 4 para. 2\(3\)](#) (with s. 60); S.I. 2007/2584, [art. 2\(d\)\(i\)](#); S.I. 2012/739, [art. 2\(h\)\(i\)](#))
- C3** S. 39 applied (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), [ss. 30\(3\)](#), 53(2); S.I. 2019/97, [art. 2](#)
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Commencement Information

- I1** S. 39 not in force at Royal Assent see s. 56(1); s. 39(6) in force for certain purposes for W. at 12.8.2007 by [S.I. 2007/2386](#), [art. 2](#); s. 39 in force for E. at 1.10.2007 by [S.I. 2007/2584](#), [art. 2](#)
- I2** S. 39(1)-(5) (7) in force at 1.4.2012 for W. by [S.I. 2012/739](#), [art. 2\(d\)](#)
- I3** S. 39(6) in force at 1.4.2012 for W. in so far as not already in force by [S.I. 2012/739](#), [art. 3\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Commons Act 2006, Section 39.