



Commons Act 2006

2006 CHAPTER 26

PART 3

WORKS

40 Consent: procedure

- (1) Regulations may make provision as to the procedure to be followed in the making and determination of applications under sections 38(1) and 39(5).
- (2) Regulations under this section may in particular include provision—
 - (a) as to the steps to be taken by an applicant before submitting an application;
 - (b) as to the form and content of an application;
 - (c) as to the procedure to be followed in making an application;
 - (d) as to the evidence to be supplied in support of an application;
 - (e) as to the fees payable in relation to an application;
 - (f) as to the steps to be taken by the appropriate national authority upon receipt of an application;
 - (g) for the appointment by the appropriate national authority of a person to discharge any (or all) of its functions in relation to the determination of an application;
 - (h) for the making of representations or objections in relation to an application;
 - (i) for the holding of a hearing or local inquiry in relation to an application;
 - (j) for the publication of a determination of an application and the notification of interested persons.

Modifications etc. (not altering text)

- C1** S. 40 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))

Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Section 40. (See end of Document for details)

- C2** S. 40 applied by 1967 c. xxix, **Sch. art. 17(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(6)** (with s. 60); S.I. 2007/2584, art. 2(d)(i); S.I. 2012/739, art. 2(h)(i))
- C3** S. 40 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)))
- C4** S. 40 applied (1.3.2019) by Church Property Measure 2018 (No. 8), **ss. 30(3)**, 53(2); S.I. 2019/97, art. 2

Commencement Information

- I1** S. 40 not in force at Royal Assent see s. 56(1); s. 40 in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**; s. 40 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2**
- I2** S. 40 in force at 1.4.2012 for W. in so far as not already in force by S.I. 2012/739, **art. 3(c)**

Changes to legislation:

There are currently no known outstanding effects for the Commons Act 2006, Section 40.