

2007 No. 2584 (C. 98)

COMMONS, ENGLAND

The Commons Act 2006 (Commencement No. 3, Transitional Provisions and Savings) (England) Order 2007

Made - - - - *3rd September 2007*

The Secretary of State, in exercise of the powers conferred upon him by sections 56(1) and 59(1) of the Commons Act 2006(a), makes the following Order:

Citation, interpretation and application

1.—(1) This Order may be cited as the Commons Act 2006 (Commencement No. 3, Transitional Provisions and Savings) (England) Order 2007.

(2) In this Order—

“the 1965 Act” means the Commons Registration Act 1965(b); and

“the 2006 Act” means the Commons Act 2006.

(3) This Order applies in relation to England only.

Commencement of provisions

2. The following provisions of the 2006 Act shall come into force on 1st October 2007—

(a) sections 16 and 17 (deregistration and exchange);

(b) sections 38 to 43, and section 44(2) to (4) (works);

(c) section 48 (inclosure); and

(d) insofar as they have not already come into force—

(i) section 44(1) and Schedule 4 (works: supplementary); and

(ii) Parts 2, 3 and 5 of Schedule 6 (repeals), and section 53 insofar as it relates to those provisions.

Transitional provisions and savings

3.—(1) Until the coming into force of section 1 of the 2006 Act in relation to any area of England—

(a) references to land being registered as common land or as a town or village green in—

(i) sections 16 and 17 of the 2006 Act;

(ii) sections 38 and 44 of the 2006 Act; and

(a) 2006 c.26.
(b) 1965 c.64.

(iii) section 29(2) of the National Trust Act 1907(a), shall, in relation to that area, be taken as references to land being so registered under the 1965 Act; and

(b) references in section 17 of the 2006 Act to rights of common being registered as exercisable over such land shall, in relation to that area, be taken as references to rights of common being so registered under the 1965 Act.

(2) An order under section 17(1) of the 2006 Act relating to land in any area of England shall, until the coming into force of section 1 of the 2006 Act in relation to that area, be taken as an order requiring the commons registration authority to remove the release land from its register of common land or town or village greens kept under the 1965 Act, and (where applicable) to register the matters referred to in section 17(2) of the 2006 Act in that register.

(3) Notwithstanding the repeal of section 147 of the Inclosure Act 1845(b), section 4 of the Inclosure Act 1847(c) and sections 4 and 5 of the Inclosure Act 1857(d), any application for an order of exchange under section 147 of the Inclosure Act 1845 made before 1st October 2007 shall continue to be dealt with on and after that date as if those provisions remained in force.

(4) Section 38(1) of the 2006 Act shall not apply in relation to any works carried out in accordance with consent which is granted under section 194 of the Law of Property Act 1925 before 1st October 2007.

(5) Notwithstanding the repeal of section 194 of the Law of Property Act 1925—

(a) any application for consent under that section made before 1st October 2007 shall continue to be dealt with on and after that date as if that section remained in force; and

(b) if consent is granted on such an application, section 38(1) of the 2006 Act shall not apply in relation to any works carried out in accordance with that consent.

(6) Subsection (2A) of section 23 of the National Trust Act 1971(e) shall not apply in relation to any application for consent under that section made before 1st October 2007.

(7) Section 15 of the New Parishes Measure 1943(f) shall, in relation to any application for consent under that section made before 1st October 2007, continue to apply as if it had not been amended by the 2006 Act.

Jeff Rooker

Minister of State

Department for Environment, Food and Rural Affairs

3rd September 2007

(a) 1907 c.cxxxvi, as amended by paragraph 3 of Schedule 4 to the 2006 Act.
(b) 1845 c.118. Section 147 is repealed by section 53 of, and Part 3 of Schedule 6 to, the 2006 Act.
(c) 1847 c.111. Section 4 is repealed by section 53 of, and Part 3 of Schedule 6 to, the 2006 Act.
(d) 1857 c.31. Sections 4 and 5 are repealed by section 53 of, and Part 3 of Schedule 6 to, the 2006 Act.
(e) 1971 c.vi. Section 23(2A) is inserted, and other amendments are made to section 23, by paragraph 4 of Schedule 4 to the 2006 Act.
(f) 1943 No.1. Section 15 is amended by paragraph 5 of Schedule 4 to the 2006 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings the following provisions of the Commons Act 2006 into force on 1st October 2007 in relation to England:

- (a) sections 16 and 17, which make provision about the deregistration and exchange of land registered as common land or as a town or village green;
- (b) sections 38 to 43, and section 44 and Schedule 4 (insofar as they are not already in force), which make provision about works on common land; and
- (c) section 48, and section 53 and Schedule 6 (both partially), which contain repeals.

Further information on the effect of certain of these provisions may be found in the Explanatory Notes to the 2006 Act.

The Order also contains transitional and saving provisions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 4, 5 and 15	6th April 2007	2007/456 (C.17)
Section 23 (partially)	1st October 2006	2006/2504 (C.84)
Section 24	6th April 2007	2007/456 (C.17)
Sections 44(1) (partially), 45, 47, 49 and 51	1st October 2006	2006/2504 (C.84)
Section 52 (partially)	1st October 2006	2006/2504 (C.84)
	20th February 2007	2007/456 (C.17)
Section 53 (partially)	1st October 2006	2006/2504 (C.84)
	6th April 2007	2007/456 (C.17)
Schedule 3, paragraph 9	1st October 2006	2006/2504 (C.84)
Schedule 4, paragraph 6	1st October 2006	2006/2504 (C.84)
Schedule 5, paragraph 4	20th February 2007	2007/456 (C.17)
Schedule 5, paragraph 6 (partially)	20th February 2007	2007/456 (C.17)
Schedule 5, paragraph 7 (partially)	1st October 2006	2006/2504 (C.84)
Schedule 6, Part 1 (partially)	1st October 2006	2006/2504 (C.84)
	6th April 2007	2007/456 (C.17)
Schedule 6, Part 2 (partially)	1st October 2006	2006/2504 (C.84)
Schedule 6, Part 3 (partially)	1st October 2006	2006/2504 (C.84)

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