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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, which applies in relation to England only, prescribes exemptions to the prohibition in section 38(1) of the Commons Act 2006 on the carrying out, without the consent of the Secretary of State, of any restricted works on land to which that section applies.

Exemptions are prescribed (article 2 and Schedule 1) which, subject to certain conditions, allow specified persons to erect temporary fencing for the purposes of (a) restricting the movement of animals which are grazing on the land, (b) allowing recovery of vegetation, and (c) nature conservation. An exemption is also prescribed for the installation, in certain circumstances, of permanent regularly spaced obstacles (such as bollards or stones) to prevent or restrict vehicular access to common land.

Where works are carried out pursuant to an exemption contained in this Order, there are requirements for a notice to be displayed at the site of the works and for notification to be given to the Secretary of State (article 4 and Schedule 2).

The exemptions only apply in relation to registered common land (article 2), and not in relation to other classes of land to which section 38 applies. Nothing in this Order authorises any person to carry out works which are prohibited by any other enactment or rule of law, nor exempts any person from complying with any other requirement to obtain consent or permission which may exist independently from section 38.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at [www.defra.gov.uk](http://www.defra.gov.uk) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.