
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st December 2010, in relation to England and Wales, the repeal by the Commons Act 2006 (“the Act”) of provisions in the Commons Registration Act 1965 (“the 1965 Act”) relating to the provisional registration of land under the 1965 Act, the determination of objections to such registration and the appointment and procedures of the Commons Commissioners. These provisions have ceased to have any purpose since the time period for submitting applications for provisional registration under the 1965 Act has expired and all provisional registrations referred to the Commons Commissioners have been determined.

Upon commencement of the repeal the role of the Commons Commissioners ceases to exist. The Order contains consequential and supplemental provisions to allow proceedings in respect of a decision made by a Commons Commissioner to be brought or continued against the Secretary of State.

The Order contains saving provisions.

The Order also amends the Commons Act 2006 (Commencement No. 5) (England) Order 2010 ([S.I. 2010/61 \(C. 10\)](#)) (“the principal Order”) so as to extend the application of Part 2 (sections 26 to 37) of the Act and orders and regulations made under Part 2. Part 2 of the Act provides for the establishment of commons councils, their status and constitution, and their functions, together with supplementary provisions.

The principal Order brought Part 2 of the Act into force in relation only to areas in respect of which section 1 had been commenced and which are thus registered in either a register of common land or a register of town or village greens kept under Part 1 of that Act. (This limitation is the effect of section 26(2) of the Act, as read with section 61(2).) By virtue of this amendment, the commencement of Part 2 is extended to any area of England where, until such time as section 1 of the Act is commenced in respect of it, registration is still effected under the 1965 Act. This extension of the application of Part 2 has effect from 1st December 2010.