



# Commons Act 2006

## 2006 CHAPTER 26

### PART 2 **E+W**

#### MANAGEMENT

##### *Functions of commons councils*

### 33 **Consent** **E+W**

- (1) Subject to subsections (2) and (3), nothing in this Part authorises a commons council to do anything on the land for which it is established without the consent of a person with an interest in the land, where that person's consent would otherwise be required.
- (2) A commons council does not need the consent of a person who has a right of common over the land for which it is established in order to do anything on the land.
- (3) A commons council does not need the consent of any other person with an interest in the land for which it is established in order to do anything on the land where what is proposed to be done could be done without that person's consent by any person who has a right of common over the land.
- (4) Where a commons council wishes to obtain the consent of any person with an interest in the land for which the council is established in respect of anything it proposes to do on the land, it may serve a notice on him.
- (5) A notice under subsection (4) must specify—
  - (a) what the commons council proposes to do;
  - (b) the time within which the person on whom it is served may object (which may not be less than 28 days after service of the notice); and
  - (c) the manner in which he may object.
- (6) If the person on whom a notice under subsection (4) is served does not object within the time and in the manner specified in the notice, he is to be regarded as having given his consent in relation to the proposal specified in the notice.

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*Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Section 33. (See end of Document for details)*

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- (7) Where a commons council proposes to serve a notice on a person under subsection (4) but is unable after reasonable enquiry to ascertain his name or proper address—
- (a) the council may post the notice on the land; and
  - (b) the notice is to be treated as having been served on the person at the time the notice is posted.
- (8) An order under section 26 may make further provision as to the form and service of notices under subsection (4).
- (9) For the purposes of this section, a person with an interest in any land is a person who—
- (a) owns the land; or
  - (b) is entitled to exercise any right over the land.

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**Commencement Information**

**II** S. 33 in force at 20.1.2010 for E. by S.I. 2010/61, art. 2 (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Commons Act 2006, Section 33.