



Commons Act 2006

2006 CHAPTER 26

PART 1

REGISTRATION

Registration of rights of common

6 Creation

- (1) A right of common cannot at any time after the commencement of this section be created over land to which this Part applies by virtue of prescription.
- (2) A right of common cannot at any time after the commencement of this section be created in any other way over land to which this Part applies except—
 - (a) as specified in subsection (3); or
 - (b) pursuant to any other enactment.
- (3) A right of common may be created over land to which this Part applies by way of express grant if—
 - (a) the land is not registered as a town or village green; and
 - (b) the right is attached to land.
- (4) The creation of a right of common in accordance with subsection (3) only has effect if it complies with such requirements as to form and content as regulations may provide.
- (5) The creation of a right of common in accordance with subsection (3) does not operate at law until on an application under this section—
 - (a) the right is registered in a register of common land; and
 - (b) if the right is created over land not registered as common land, the land is registered in a register of common land.
- (6) An application under this section to register the creation of a right of common consisting of a right to graze any animal is to be refused if in the opinion of the

Status: Point in time view as at 01/10/2008. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Commons Act 2006, Section 6. (See end of Document for details)

commons registration authority the land over which it is created would be unable to sustain the exercise of—

- (a) that right; and
- (b) if the land is already registered as common land, any other rights of common registered as exercisable over the land.

Commencement Information

- I1** S. 6 partly in force; s. 6 not in force at Royal Assent see s. 56(1); s. 6(4) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, art. 2
- I2** S. 6 in force at 1.10.2008 for specified purposes for E. by S.I. 2008/1960, art. 2(1)(b), Sch. (with art. 3)

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